

Wellington City Proposed District Plan

Hearing Stream 4

Part 3, Commercial and Mixed Use Zones

Part 1: City Centre Zone, Te Ngākau Civic Square Precinct and Appendix 9

Section 42A of the Resource Management Act 1991

Contents

PART 1: CITY CENTRE ZONE	4
1.0 OVERVIEW	4
2.0 FORMAT FOR CONSIDERATION OF SUBMISSIONS	4
3.0 SUBMISSIONS RELATING TO SPECIFIC CCZ PROVISIONS	5
GENERAL SUBMISSIONS	5
REZONING	16
OTHER CCZ MATTERS	29
INTRODUCTION (P1 SCH1)	32
CCZ-O1 – PURPOSE (ISPP)	34
CCZ-O2 – ACCOMMODATING GROWTH (ISPP)	34
CCZ-O3 – URBAN FORM AND SCALE (ISPP).....	36
CCZ-O4 – AHI KĀ (ISPP).....	37
CCZ-O5 – AMENITY AND DESIGN (ISPP).....	37
CCZ-O6 – DEVELOPMENT NEAR RAPID TRANSIT (ISPP)	39
CCZ-O7 – MANAGING ADVERSE EFFECTS (ISPP)	39
CCZ-P1 – ENABLED ACTIVITIES (P1 SCH1)	41
CCZ-P2 – POTENTIALLY INCOMPATIBLE ACTIVITIES (P1 SCH1).....	43
CCZ-P3 – HEAVY INDUSTRIAL ACTIVITIES (P1 SCH1)	47
CCZ-P4 – HOUSING CHOICE (ISPP).....	47
CCZ-P5 – URBAN FORM AND SCALE (ISPP)	49
CCZ-P6 – ADAPTIVE USE (ISPP).....	49
CCZ-P7 – AHI KĀ (P1 SCH1)	51
CCZ-P8 – SENSE OF PLACE (ISPP).....	51
CCZ-P9 – QUALITY DESIGN OUTCOMES (ISPP).....	51
CCZ-P10 – ON-SITE RESIDENTIAL AMENITY (ISPP).....	55
CCZ-P11 – CITY OUTCOMES CONTRIBUTION (ISPP)	58
CCZ-P12 – MANAGING ADVERSE EFFECTS (ISPP)	59
CCZ-R1 – COMMERCIAL ACTIVITIES (P1 SCH1)	61
CCZ-R2 – COMMUNITY FACILITIES (P1 SCH1)	61
CCZ-R3 – EDUCATIONAL FACILITIES (P1 SCH1)	62
CCZ-R4 – RECREATION ACTIVITIES (P1 SCH1)	62
CCZ-R5 – ARTS, CULTURE, AND ENTERTAINMENT ACTIVITIES (P1 SCH1)	62
CCZ-R6 – EMERGENCY SERVICES FACILITIES (P1 SCH1)	62
CCZ-R7 – MARAE ACTIVITIES (P1 SCH1).....	63
CCZ-R8 – COMMUNITY CORRECTIONS ACTIVITIES (P1 SCH1).....	63
CCZ-R9 – PUBLIC TRANSPORT ACTIVITIES (P1 SCH1)	63
CCZ-R10 – VISITOR ACCOMMODATION ACTIVITIES (P1 SCH1).....	63
CCZ-R11 – REPAIR AND MAINTENANCE SERVICES ACTIVITIES (P1 SCH1).....	64
CCZ-R12 – RESIDENTIAL ACTIVITIES (P1 SCH1)	64
CCZ-R13 – INDUSTRIAL ACTIVITIES, EXCLUDING REPAIR AND MAINTENANCE SERVICE ACTIVITIES (P1 SCH1)	66
CCZ-R14 – CARPARKING ACTIVITIES (P1 SCH1)	66
CCZ-R15 – YARD-BASED RETAILING ACTIVITIES (P1 SCH1).....	68
CCZ-R16 – ALL OTHER LAND USE ACTIVITIES (P1 SCH1)	69
CCZ-R17 – MAINTENANCE AND REPAIR OF BUILDINGS AND STRUCTURES (ISPP)	70
CCZ-R18 – DEMOLITION OR REMOVAL OF BUILDINGS AND STRUCTURES (ISPP).....	70
CCZ-R19 – ALTERATIONS AND ADDITIONS TO BUILDINGS AND STRUCTURES (ISPP)	71
CCZ-R20 – CONSTRUCTION OF BUILDINGS AND STRUCTURES (ISPP)	79
CCZ-R21 – CONVERSION OF BUILDINGS, OR PARTS OF BUILDINGS, FOR RESIDENTIAL ACTIVITIES (P1 SCH1)	88
CCZ-R22 – OUTDOOR STORAGE AREAS (P1 SCH1)	91
CCZ-S1 – MAXIMUM HEIGHT (ISPP).....	91

CCZ-S2 – OLD ST PAUL’S CHURCH – ADJOINING SITE SPECIFIC BUILDING HEIGHT (ISPP)	111
CCZ-S3 – CHARACTER PRECINCTS AND RESIDENTIALLY ZONED HERITAGE AREAS – ADJOINING SITE SPECIFIC BUILDING AND STRUCTURE HEIGHT (ISPP)	114
CCZ-S4 – MINIMUM BUILDING HEIGHT (ISPP).....	115
CCZ-S5 – MINIMUM GROUND FLOOR HEIGHT (ISPP).....	119
CCZ-S6 – MINIMUM SUNLIGHT ACCESS – PUBLIC SPACE (ISPP)	120
CCZ-S7 – VERANDAHS (ISPP)	121
CCZ-S8 – ACTIVE FRONTAGES (ISPP)	127
CCZ-S9 – MINIMUM RESIDENTIAL – UNIT SIZE (ISPP)	132
CCZ-S10 – RESIDENTIAL OUTDOOR LIVING SPACE (ISPP)	135
CCZ-S11 – MINIMUM BUILDING SEPARATION DISTANCE (ISPP).....	136
CCZ-S12 – MAXIMUM BUILDING DEPTH (ISPP)	138
CCZ-S13 – OUTLOOK SPACE (ISPP)	139
4.0 SUBMISSIONS RELATING TO TE NGĀKAU PROVISIONS.....	140
GENERAL POINTS.....	140
CCZ-PREC01 INTRODUCTION (P1 SCH1)	140
CCZ-PREC01-O1 – PURPOSE (ISPP).....	143
CCZ-PREC01-O2 – BUILT FORM (ISPP).....	144
CCZ-PREC01-O3 – INTEGRATION WITH THE CITY CENTRE, WATERFRONT AND WIDER TRANSPORT NETWORK (ISPP).....	145
CCZ-PREC01-P1 –ACTIVITIES (P1 SCH1)	146
CCZ-PREC01-P2 – USE AND DEVELOPMENT OF THE TE NGĀKAU CIVIC SQUARE PRECINCT.....	146
(ISPP)	146
CCZ-PREC01-P3 – ACCESS, CONNECTIONS AND OPEN SPACE (ISPP).....	147
CCZ-PREC01-P4 – AMENITY AND DESIGN (ISPP)	148
CCZ-PREC01-R1 THROUGH TO CCZ-PREC01-R6	148
CCZ-PREC01-R7 – ALL OTHER LAND USE ACTIVITIES (P1 SCH1)	149
CCZ-PREC01-R7 – CONSTRUCTION OF BUILDINGS AND STRUCTURES, ADDITIONS AND ALTERATIONS TO BUILDINGS AND STRUCTURES (ISPP)	150
.....	150
CCZ-PREC01-S1 – MAXIMUM HEIGHT (ISPP)	152
5.0 SUBMISSIONS RELATING TO APPENDIX 9	152
6.0 PROPOSED NEW CITY CENTRE ZONE PROVISIONS	152
7.0 MINOR AND INCONSEQUENTIAL AMENDMENTS	155
8.0 CONCLUSION.....	160
9.0 RECOMMENDATIONS.....	160
10.0 COLLATED RECOMMENDATIONS.....	161
APPENDICES	162
APPENDIX B: RECOMMENDED RESPONSES TO SUBMISSIONS AND FURTHER SUBMISSIONS ON CITY CENTRE ZONE CHAPTER AND APPENDIX 9.....	163
APPENDIX D: CENTRAL AREA MONITORING REPORT 2019.....	166
APPENDIX F: CENTRAL AREA ISSUES AND OPTIONS REPORT 2020	167
APPENDIX G: WELLINGTON CITY COUNCIL CCZ MODELLING	169

Part 1: City Centre Zone

1.0 Overview

1. This section of the s42A report covers the City Centre Zone (CCZ), 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) provisions.
2. Including primary and further submission points, and mapping submission points, there were approximately 1063 submission points in relation to the CCZ, Te Ngākau and Appendix 9. 825 of these were original submissions and 238 further submissions.
3. Within this section 42A report these submissions are categorised and assessed as follows:
 - a. Submissions relating to specific provisions in the CCZ chapter Te Ngākau and Appendix 9; and
 - b. Proposed additional CCZ, Te Ngākau and Appendix 9 provisions.
4. This report should be read in conjunction with the information in the following appendices:
 - a. Appendix A – Recommended Amendments to the CCZ chapter; and
 - b. Appendix B – Recommended Responses to Submissions and Further Submissions on the CCZ chapter.

2.0 Format for Consideration of Submissions

5. The consideration of submissions has been undertaken in the following format:
 - Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations.
6. 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.
7. The recommended acceptance or rejection of submissions (and accordingly further submissions) is set out in Appendix B.
8. Where necessary, for example where I have recommended a significant departure from the notified PDP provisions, I have undertaken a s32AA evaluation in respect to recommended amendments in my assessment that represent a material change from the policy direction in the proposed CCZ chapter.
9. I note that in the CCZ all provisions have been submitted on.
10. Submissions received in relation to the following provisions were all in support, and seek that the respective provisions are retained as notified:

- Objectives: CCZ-O1, CCZ-O3, CCZ-O6, CCZ-PREC01-O3
- Policies: CCZ-P3, CCZ-P5, CCZ-P7, CCZ-P8, CCZ-PREC01-P1, CCZ-PREC01-P4
- Rules: CCZ-R1 – CCZ-R11, CCZ-R13, CCZ-R16, CCZ-R17
- Standards: CCZ-PREC01-S1

11. I recommend that these provisions are retained as notified, and have not assessed them further in this report.

3.0 Submissions Relating to Specific CCZ Provisions

General Submissions

Matters raised by submitters

12. The Mt Victoria Residents' Association [342.12] considers that the viewshaft from Matairangi Mt Victoria over the city towards Te Ahumairangi, Brooklyn and Mt Albert will be greatly diminished if the building heights are realised at the levels imagined in the PDP. They seek reduced heights to protect this viewshaft.
13. Mark Tanner [24.4], Wellington City Youth Council [201.32], Property Council New Zealand [338.17], Z Energy Limited [361.95], Waka Kotahi [370.405] and Fabric Property Limited [425.56] support the CCZ Chapter and seek that it be retained as notified.
14. Angus Hodgson [200.10] seeks that the densification within the CCZ is retained as notified.
15. Andrew Haddleton [23.2] seeks that the allowable building height in the CCZ is sympathetic to the surrounding heritage buildings and character of the city.
16. James and Karen Fairhall [160.4], Karen and Jeremy Young [162.4], Kane Morison and Jane Williams [176.4], Athena Papadopoulos [183.3], Lara Bland [184.3], Geoff Palmer [188.3], Dougal and Libby List [207.4], Craig Forrester [210.5], Moir Street Collective - Dougal List, Libby List, Karen Young, Jeremy Young, James Fairhall, Karen Fairhall, Craig Forrester, Sharlene Gray [312.4], Chrissie Potter [446.3], Dorothy Thompson [449.3] seek that good quality intensification of the CCZ should be undertaken in a way that also maintains the character, amenity, and heritage of the City.
17. James and Karen Fairhall [160.5], Karen and Jeremy Young [162.5], Kane Morison and Jane Williams [176.5], Athena Papadopoulos [183.4], Lara Bland [184.4], Geoff Palmer [188.4], Dougal and Libby List [207.5], Craig Forrester [210.6], Moir Street Collective - Dougal List, Libby List, Karen Young, Jeremy Young, James Fairhall, Karen Fairhall, Craig Forrester, Sharlene Gray [312.5], Chrissie Potter [446.4], Dorothy Thompson [449.4] consider that the current provisions of the PDP, in particular standards CCZ-S1 (Maximum height) and CCZ-S3 (Character precincts and Residentially Zoned heritage areas – Adjoining site-specific building and structure height), will result in significant adverse effects on Moir Street properties which cannot be mitigated through design.
18. Angus Hodgson [200.12] seeks the addition of setback requirements that take into account the width of the streets and height of a proposed building in the CCZ.
19. Avryl Bramley [202.44] seeks the addition of rules to limit the number of non-residential on site in building car parks permitted to those necessary for the service and maintenance of the

building, plus a small margin over and above.

20. Avryl Bramley [202.45] seeks addition of rules to create a sinking lid policy on existing car parks used for those same purposes and to re-register their use into the same categories and newly created parks.
21. WCCT [233.24 (supported by Thorndon Residents' Association Inc FS69.95)] seeks that policies are added that address encroachment of city centre activities into adjoining residential zones.
22. Corrections [240.55] supports "residential activities" in the CCZ and seeks that the provisions be retained as notified.
23. Richard Murcott [322.29] seeks that incentives be placed to encourage densification in the CCZ.
24. Carolyn Stephens [344.11 (supported by Wellington Civic Trust FS83.17)], Elizabeth Nagel [368.16] seeks that enhanced sunlight access be provided to outdoor and indoor living areas.
25. Parliamentary Service [375.11] considers that in the CCZ, the provisions of the PDP need to recognise the unique role that the Parliamentary Precinct plays in NZ, and that the planning framework provides for the safe, effective and efficient functioning of parliament.
26. Jane Szentivanyi [376.5] considers that, as currently drafted, the current provisions of the PDP will result in significant adverse effects on Moir Street properties which cannot be mitigated through design. Negative effects would include public and private amenity, reverse sensitivity effects, including along the boundary with adjoining residentially zoned areas, and impacts on character and heritage.
27. Oyster Management Limited [404.43] seeks amendment to the CCZ to enable well-functioning urban environments in the CCZ.
28. Guy Marriage [407.4 and 407.7 (supported by WCCT FS82.160 and FS82.161)] seeks the addition of the set-back provisions from the Draft District Plan.
29. Wellington Branch NZIA [301.10] considers there should be a setback standard for narrow streets and lanes to ensure daylight to living spaces, and seeks that this be added to the CCZ.
30. Willis Bond [416.138] seeks to amend the chapter to remove the extent of prescriptive standards, such as minimum unit sizes and outdoor living spaces (in particular, within the CCZ).
31. Paul Burnaby [44.4] considers that the draft provision CCZ-R21 from the Draft District Plan should be 'reinstated'.
32. Kāinga Ora [391.11] seeks that reference to Comprehensive Development be removed from the PDP. Kāinga Ora [391.33 (opposed by WCCT FS82.59)] also seeks to delete the definition of 'Comprehensive Development'.
33. Jill Wilson [218.3] seeks amendment to require new apartment buildings to incorporate adequate storage or emergency supplies for residents.

Assessment

34. Viewshafts have been addressed in Hearing Stream 3¹; however, the submission point from the

¹ Wellington City Proposed District Plan, [Hearing Stream 3 – Viewshafts – Section 42A Report](#), 9 May 2023

Mt Victoria Residents' Association submission point [342.12] was not addressed in this hearing. In this respect I note that unless a viewshaft is identified within the viewshafts overlay it is not protected by the District Plan. The Viewshafts (VIEW) chapter regulates height limits within protected views, imposing additional restrictions that mean the height and density standards within the CCZ and other zones may not be able to realised for all sites.

35. I acknowledge the submission point from Angus Hodgson [200.10] who seeks that the densification within the CCZ is retained as notified. I also acknowledge the submission point from Corrections [240.55].
36. I acknowledge the submission point from Andrew Haddleton [23.2], James and Karen Fairhall [160.4], Karen and Jeremy Young [162.4], Kane Morison and Jane Williams [176.4], Athena Papadopoulos [183.3], Lara Bland [184.3], Geoff Palmer [188.3], Dougal and Libby List [207.4], Craig Forrester [210.5], Moir Street Collective - Dougal List, Libby List, Karen Young, Jeremy Young, James Fairhall, Karen Fairhall, Craig Forrester, Sharlene Gray [312.4], Chrissie Potter [446.3], Dorothy Thompson [449.3].
37. I consider that the heights in the CCZ are sympathetic to heritage buildings both within and surrounding the CCZ, and the character and amenity of the city. CCZ-S3 character precincts and residentially zoned heritage areas control provides for a recession plane control adjacent to properties with these controls. There are also separate controls in the Historic Heritage chapter for development in the CCZ adjacent to heritage areas and buildings. In addition, the CCZ objectives and policies support development that acknowledges and sensitively responds to adjoining heritage buildings, heritage areas and sites of significance to Māori, as well as ensuring development responds to site context where adjacent to identified character precincts.
38. Amenity is addressed through the CCZ objectives and policies (CCZ-O5, CCZ-P1, CCZ-P2, CCZ-P9, CCZ-P10 and CCZ-P11). CCZ-O5 notes that development in the CCZ should positively contribute to providing a quality and level of public and private amenity in the CCZ that evolves and positively responds to anticipated growth and the diverse and changing needs of residents, businesses and visitors. It also provides for the amenity and safety of public spaces and general amenity of neighbouring residential areas.
39. Additionally, the CCZ introduces a stronger focus than the ODP on on-site residential amenity. In particular, achieving a high standard of amenity for residential activities including providing residents with access to adequate outlook, adequate living spaces (minimum unit size) and ensuring access to convenient outdoor space. The CCZ includes numerous standards that seek to maintain and enhance amenity outcomes in the private and public realm, including:
 - CCZ-S6 looks to preserve minimum sunlight access to public space to enhance public space amenity;
 - CCZ-S9 provides for minimum residential unit size;
 - CCZ-S10 provides for outdoor living space, either communal or private;
 - CCZ-S11 and CCZ-S12 provide for privacy, separation and daylight access; and
 - CCZ-S13 provides outlook space for each unit.
40. Whilst I acknowledge the concern raised in submission points from James and Karen Fairhall [160.5], Karen and Jeremy Young [162.5], Kane Morison and Jane Williams [176.5], Athena Papadopoulos [183.4], Lara Bland [184.4], Geoff Palmer [188.4], Dougal and Libby List [207.5], Craig Forrester [210.6], Moir Street Collective - Dougal List, Libby List, Karen Young, Jeremy Young, James Fairhall, Karen Fairhall, Craig Forrester, Sharlene Gray [312.5], Chrissie Potter [446.4], Dorothy Thompson [449.4] and Jane Szentivanyi [376.5] regarding the potential adverse

effects from development in the CCZ on Moir Street, I do not agree that further provisions are needed.

41. I maintain my position that the approach that is currently in the CCZ, with the reduced maximum height adjoining Moir Street in the CCZ of 27m under CCZ-S1, and the character precinct and residentially zoned heritage area recession plane control under CCZ-S3, is the most balanced and appropriate method to managing potential adverse effects on neighbouring residential areas from development in the CCZ.
42. The NPS-UD directs councils to maximise development capacity within city centres. Given this directive and the fact that the CCZ is the PDP's densest zone where a large portion of development capacity is expected to be provided², I do not consider that it is appropriate to add any more controls or restrictions on density and capacity in the CCZ in relation to heritage and residential amenity. Some concerns have been raised by submitters with the changes that will occur over time due to increased development potential within Te Aro in particular. However, I do not consider that any more controls or restrictions are necessary, or that there is sufficient reason to impose more restrictive standards that will impact the ability to achieve the density of development anticipated in the CCZ.
43. With regards to the submission point from Angus Hodgson [200.12], I note that a setback control was proposed in the Draft District Plan in the form of a street edge height control on identified narrow streets in the CCZ as a suggested measure to reduce the impacts of tall buildings on the city's narrower streets.
44. Section 5.2 of the City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct Section 32 (CCZ, WFZ, STADZ and Te Ngākau S32) report³ discusses the analysis undertaken to inform this control. It also details modelling work completed by Council's Urban Design Team showing that minimal sunlight access was provided in all three scenarios tested. Due to the modelling showing that the setback control would not achieve the outcome sought, it was not carried forward into the PDP.
45. In addition, modelling of Draft District Plan (DDP) standards undertaken for Council by Jasmox⁴ (Appendix C) identified the costs resulting from the use of street edge height controls in terms of the potential loss of ground floor area (GFA). The testing identified particular concerns with use of this control for some inner city sites that are narrow or have multiple street frontages, which would lead to a loss in development potential.
46. These concerns are reinforced in The Property Group's Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report (TPG Report)⁵. The report found that the Street Edge Height Rule (DDP CCZ-S4), which is specifically aimed at achieving solar access and a reduction of the appearance of building bulk on narrow streets, would likely result in costs to development through a loss of yield without achieving the desired solar access benefit.
47. Whilst the submission point from Avryl Bramley [202.44] seeks to limit the number of non-residential on-site in building car parks permitted, I do not consider this is a matter that can be or should be addressed by the PDP. The Transport chapter notes that where parking is provided, the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility –

² Property Economics, [Wellington City Commercially Feasible Residential Capacity Assessment](#), Table S1: Demand and Estimated Capacity Uptake By Typology and Size, June 2022

³ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

⁴ Jasmox, WCC District Plan Tests All Sites – Report, Rev A, 27 October 2021 (Appendix C)

⁵ The Property Group, [Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report](#), June 2022

Buildings and Associated Facilities (NZS: 4121-2001) sets out requirements for the number and design of parking spaces for people with disabilities and for accessible routes from the parking spaces to the associated activity or road. Beyond this no other types of carparks are required or restricted through the PDP.

48. Instead, what CCZ-P2(3) and CCZ-R14 seek to restrict is sites that are being used just for carparking at ground level, or where carparking is provided at the ground floor along street edges. I consider that there are many reasons for this strong regulatory approach to avoiding ground level carparking, including:
- As directed by the Our City Tomorrow: A Spatial Plan for Wellington City (the Spatial Plan)⁶, and in alignment with the NPS-UD direction, the CCZ's policy framework enables compact urban form through accommodating residential growth, with a strong focus in CCZ-O2 on enabling convenient access to active and public transport activity options. CCZ-O6 also seeks that activities and development near existing and planned rapid transit stops are located to enable convenient access by local residents, workers and visitors.
 - There are numerous vacant sites in the CCZ that have not been re-developed or activated in the wake of building demolition, and which are only being utilised for carparking. This presents an under-utilisation of sites and development capacity, and also creates an adverse streetscape and urban form outcome from having parking as part of the street edge.
 - Ground level carparks also present a safety concern as unlike buildings they are under-activated and do not enable natural surveillance or 'eyes on the street'; a fundamental CPTED principle.
 - A strong focus on deterring carparking in the CCZ and instead promoting active transport, public transport and micro-mobility transport aligns with the PDP's sustainability, resilience and climate change goals as set out in PDP strategic directions CC-O2(4), CC-O3, CEKP-O2(1), CEKP-O4, SRCC-O1-SRCC-O4, UFD-O1 and UFD-O3 - UFD-O7.
49. The strong focus on deterring ground level carparking and only enabling carparking above ground level, below ground level, carparking for people with disabilities, or ground level carparking as part of a carparking buildings, discourages car use in the CCZ but still provides potential for carparking for residential activities and commercial activities.
50. I note that CCZ-R18 sets out a strict approach to demolition or removal of buildings and structures, in that demolition to enable ground level carparking is a Non-Complying activity. This works in tandem with a strong policy focus on multi-modal and active transport in the Transport Chapter Policies, along with standard TR-S2 which relates to micro mobility device parking requirements.
51. For the reasons above I disagree with the submission point from Avryl Bramley [202.45]. I do not consider it is appropriate to include additional rules to create a sinking lid policy on existing carparks. This is not within the remit of the RMA or District Plans. I consider it is sufficient to deter new open-air surface long-term carparking activities, to avoid demolition of buildings for the use of carparks, and encourage non-car related transport as proposed by the PDP policy framework.
52. Whilst I acknowledge the concern within the submission point of WCCT [233.24], seeking that CCZ activities do not encroach on adjoining residential activities, I do not consider that any

⁶ Wellington City Council, [Our City Tomorrow: A Spatial Plan for Wellington City](#), 24 June 2021

provisions are necessary, nor is it the place of the CCZ to ensure this. Instead, the focus should be on the Residential Zone rule frameworks to ensure appropriate activities are located within the zone that meet the purpose of the zones.

53. CCZ provisions cannot influence what activities are enabled (or not) in other zones. However, I do note that under CCZ-P9(2)(a)(vi), consideration is given to ensuring development, where relevant, responds to the site context, particularly when located adjacent to residential zones.
54. I acknowledge the submission point from Richard Murcott [322.29] seeking that incentives be put in place to encourage densification in the CCZ. However, I consider that the changes to the zone from the ODP to the PDP already sufficiently encourage densification, as well as changes recommended within this report in response to submissions raised, including:
- Increased height limits in Te Aro;
 - Height increases enabled through the City Outcomes Contribution mechanism;
 - Residential Activities enabled on ground levels when not on a street with an identified verandah or active frontage control;
 - Objectives and policies that seek to encourage and accommodate growth ensuring there is sufficient serviced development capacity and an intensive urban form;
 - Restricted Discretionary Activity status that is not subject to public notification if standards are not met, with no fall back to a less-enabling activity status;
 - A policy and rule framework that seeks to encourage the optimisation of the development capacity of sites, and restricts uses such as ground level carparking on sites; and
 - A minimum building height requirement.
55. Whilst the policy and rule framework encourage densification of the CCZ, which aligns with the direction in the NPS-UD to maximise development capacity in the CCZ, a balance has sought to be found between enabling intensification and still ensuring a level of amenity and vibrancy in the CCZ through requiring sunlight protection to public spaces, minimum unit size requirements and other related provisions. I do not consider that further changes are warranted to encourage densification.
56. I acknowledge the concerns raised by Carolyn Stephens [344.11] and Elizabeth Nagel [368.16] regarding seeking enhanced sunlight access to indoor and outdoor living spaces. Given the level of existing and anticipated intensification within the CCZ sunlight access to indoor and outdoor living space is restricted and difficult to achieve without significantly compromising development capacity and yield. However, the CCZ provides for daylight access through the following standards:
- CCZ-S6 Minimum sunlight access – public space;
 - CCZ-S10 Residential – outdoor living space;
 - CCZ-S11 Minimum building separation distance;
 - CCZ-S12 Maximum building depth; and
 - CCZ-S13 Outlook Space.
57. The CCZ is the City’s most intensified urban environment, where high density living is anticipated and where occupants cannot expect the same level of sunlight compared to low density

environments. I also note that objective 4 of the NPS-UD notes that New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people and communities. As guided by NPS-UD Policy 6(b)(i), I consider that a balance needs to be struck between providing for the amenity of those living in the CCZ and also the need to provide increased and varied housing density and types, and the CCZ is no exception to this.

58. Although providing access to all-day sunlight may be difficult to achieve for dwellings in the CCZ, I note that CCZ residents receive in many cases higher standards of public amenities due to their central city location compared to residential areas. This includes excellent transport options including public transport, active transport and micro-mobility accessibility, as well as easy access to work, study, shopping, entertainment and recreational activities.
59. Given the CCZ has the highest density and anticipated intensification, and in light of direction to maximise development capacity in the NPS-UD, I do not think there is compelling evidence that warrants any amendment. I also note that no section 32AA evaluation has been undertaken to support the relief sought.
60. I appreciate that there may be general concern about changes over time with increased densification of the CCZ, particularly in areas like Te Aro which currently have lower density levels. I do not consider that this is a necessary and sufficient reason to impose more restrictive standards that will impact on the ability to achieve the density of development anticipated in the CCZ however. As noted in section 6 (page 26) of the TPG Report⁷ proposed amenity and design provisions cost and benefit analysis 2022, in response to the proposed Street Edge control that was proposed in the Draft District Plan, due to the heights available in the CCZ there would need to be a significant setback on the upper floors or the entire building itself to achieve a significant increase in solar access.
61. As also noted by TPG in section 6, provisions that seek to enhance solar access have an impact on the yield that can be achieved and therefore results in a cost to development that impacts feasibility. Given the existing controls in the CCZ, the purpose of the zone, the anticipated intensification within the zone and the reasons above I do not consider that additional controls are warranted.
62. I acknowledge the submission point of Parliamentary Service [375.11] and agree that recognition should be provided for parliamentary activities in the CCZ, over and above the PDP Parliament Precinct Heritage Area. Akin to Te Ngākau Civic Square, the Parliamentary precinct is an integral area within the CCZ. Parliament, the courts and other significant national institutions are the main focal points of the Pipitea area. I consider it is important to recognise the importance of the Parliamentary Precinct and its unique role that it plays not only nationally, but also for the CCZ in terms of the economic activity and development it generates, bringing in workers and tourists alike, which in turn supports the vibrancy and vitality of the CCZ.
63. The introduction acknowledges that the CCZ contains a vibrant and diverse mix of activities including government activities. However, this is then not reflected in the policy or rule framework. I consider that this is an accidental omission, and the intent was to include associated policies and rules. The Operative Plan's Central Area Chapter 12⁸ notes that the strong identity for the Central Area is 'anchored in being the nation's capital and a hive of government activity; both central and local'. I agree with this.
64. Whilst there were no direct objectives and policies detailing government or parliamentary

⁷ The Property Group, [Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report](#), June 2022

⁸ Wellington City Operative District Plan, [Chapter 12 Central Area: Introduction, Objectives and Policies](#)

activities, other than policy 12.2.10.6 regarding signage contributing positively to the context of the Parliamentary Precinct Heritage Area, policy 12.2.1.2 speaks to containing Central Area activities and development within the Central Area. The policy details underneath note that the Central Area is Wellington's largest centre of activity including government activity, and that development and infrastructure is needed to fulfil these functions. Policy 12.2.3.2 also speaks to promoting a strong sense of place and identity in different parts of the Central Area. This is reinforced in PDP CCZ-O5, CCZ-P8 and CCZ-P9 which talks to development reinforcing the CCZ's distinctive sense of place.

65. With regards to the submission point from Oyster Management Limited [404.45] I direct them to CCZ-O5 which seeks that development in the CCZ 'positively contributes to creating a high quality, well-functioning urban environment'. I note that through this objective, and the CCZ chapter generally, the whole chapter seeks to enable well-functioning urban environments.
66. The introduction also notes that building heights, density and urban form tailored to align with the NPS-UD are sought, whilst the zone complements and balances this with measures to ensure that the buildings and spaces are designed to be accessible and good quality, and offer a suitable level of amenity for users such as access to sunlight and open space etc.
67. I acknowledge the concern raised in the submission points from Guy Marriage [407.4 and 407.7] and Wellington Branch NZIA [301.10] seeking the addition of a set-back provision as included in the DDP. As detailed on page 40 (section 5.2) of the CCZ, WFZ, STADZ and Te Ngākau section 32 report⁹, after notification of the Draft District Plan, Council's Urban Design team undertook modelling to understand the sunlight effects from the height control through three scenarios for the control on Haining Street (an identified narrow street). These three scenarios included:
 - A 42m maximum height with no setback (sans Street Edge Height control);
 - A 42m maximum height with 4m setback (as per DDP Street Edge Height control); and
 - A 42m maximum height with 3m setback (to understand if a reduced setback, to provide for more development, still enabled good outcomes).
68. Unfortunately, the modelling found that minimal sunlight access was provided in all three scenarios. See figure one below for the outcomes of this modelling work.

⁹ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

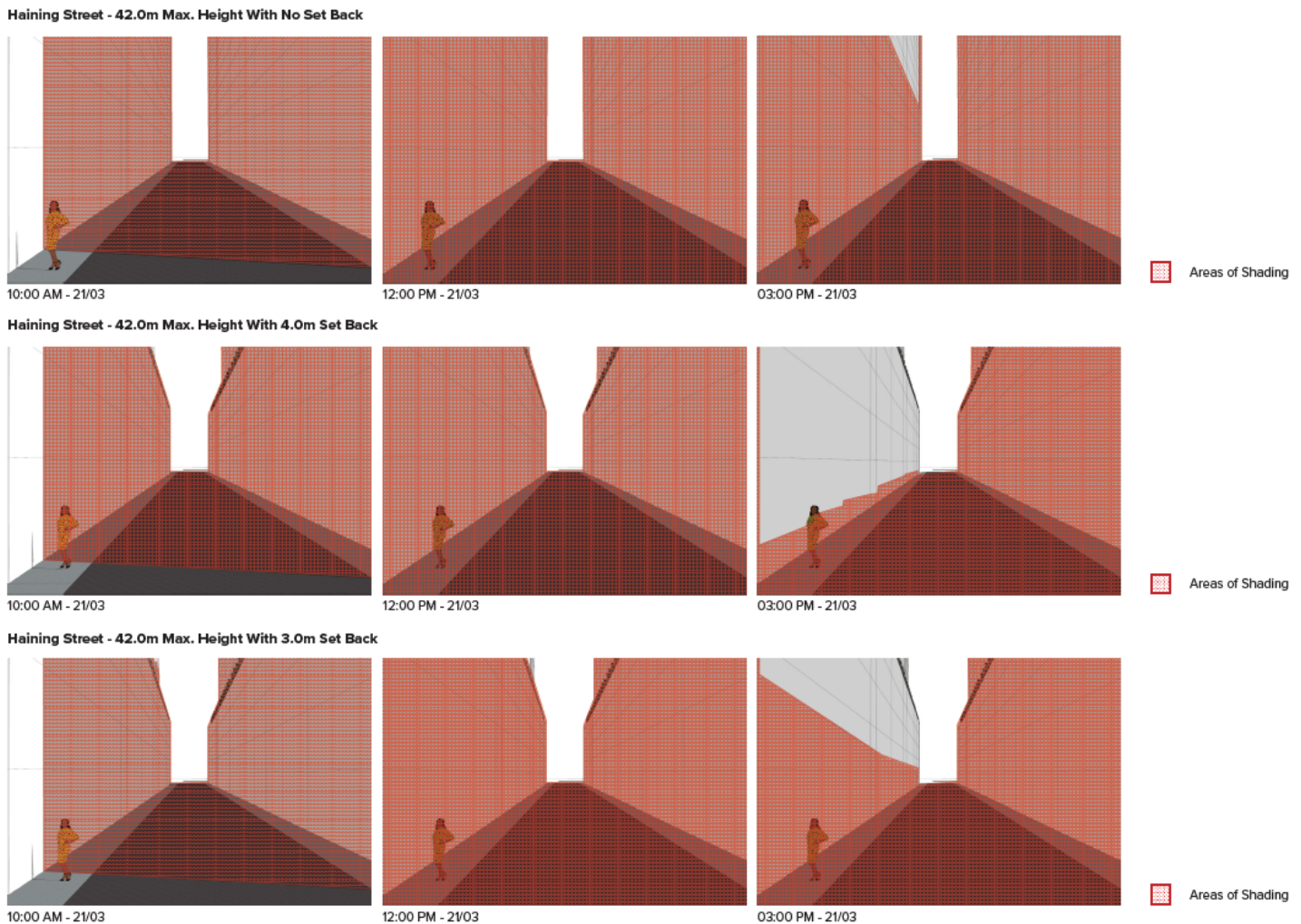


Figure 1: Wellington City Council Shading analysis modelling of DDP street edge height control on Haining Street

69. As I note in in paragraph 60, the TPG report¹⁰ notes that with the heights available in the CCZ, there would need to be a significant setback on the upper floors, or the building itself setback, to achieve a significant increase in solar access. As raised in some submissions on the Street Edge Height Control in the CCZ DDP feedback (included in Appendix 2 of the Section 32 report¹¹), there would be design, engineering and cost implications associated with implementing such a control. For the reasons I have detailed in paragraphs 58 to 60, and noting the findings of the modelling shown in figure one above, I do not agree with including the DDP's street edge height back into the CCZ.
70. As I have canvassed in these paragraphs, whilst the impact of tall buildings upon narrow streets in terms of shading is of concern, I note that the CCZ includes other measures that focus on liveability and wellbeing such as CCZ-S9 minimum unit size and CCZ-S10 minimum private or communal outdoor living space, and CCZ-S6 sunlight protection to public spaces.
71. I disagree with Willis Bond's submission point [416.138] seeking less prescriptive standards in the CCZ. The range of standards proposed, including the minimum unit sizes, outdoor living spaces,

¹⁰ The Property Group, [Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report](#), June 2022

¹¹ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

outlook space, maximum building depth and building separation requirements (and the extent of non-compliance with these standards considered through the resource consent process), ensure that a minimum level of on-site amenity are achieved. In my view these standards, in combination with the guidelines in the Residential Design Guide¹² and Centres and Mixed Use Design Guide¹³, strike an appropriate balance between enabling opportunities for housing and ensuring quality living environments.

72. Whilst the CCZ is the city's most intensified area, and as per the NPS-UD direction I have sought to maximise development capacity within the zone, I also note that the NPS-UD directs Council's to enable well-functioning urban environments. To do this there needs to be a basic level of amenity provision to enable the health and wellbeing of residents, visitors and workers, and to make the CCZ a desirable place to live. I consider this balance has been struck through the notified provisions.
73. I acknowledge the submission point of Paul Burnaby [44.4] who seeks to bring back the DDP rule CCZ-R21 Comprehensive Development of land 2000m² in area or greater. DDP CCZ-R21 was created alongside the definition of 'Comprehensive Development' and DDP policy CCZ-P8 Comprehensive Development as a mechanism for providing integrated, comprehensive, well-designed intensification throughout the CCZ. The policy and rule combination sought to optimise the development capacity of land, provide for the increased levels of residential accommodation anticipated, enable mixed use development, and to activate larger areas of the CCZ through utilising and potentially amalgamating numerous sites.
74. It acknowledged and sought to respond the fact that the CCZ has a lot of narrow sites, vacant land and sites currently used for ground level carparking, and sought to encourage better uses of CCZ sites. It also sought to deter inefficient use of land, whether that be land that is being used as ground level carparking or low density development on sites that could accommodate higher density development.
75. The incentive of developing land of 2000m² or greater was that the Restricted Discretionary resource consent requirements' notification setting was that development under the rule was precluded from being either publicly or limited notified. Feedback received on the DDP regarding comprehensive development was that further refinement of the mechanism was required.
76. Whilst there has been positive feedback received on the mechanism, and acknowledgement that it would be beneficial with regard to implementing the NPS-UD direction to maximise development capacity in the CCZ, ultimately it was concluded that the approach could create difficulties in terms of rule interpretation and consenting pathway. The likely uptake of development to 2000m² or greater by developers was also questioned. Ultimately the rule was not carried through into the notified PDP CCZ chapter as a result.
77. The definition and most of the DDP CCZ-P8 has been retained and incorporated into PDP CCZ-P9. In addition, an assessment criterion was added to CCZ-S1; 'the extent to which taller buildings would substantially contribute to increasing residential accommodation in the city'. The combination of these seek to further encourage comprehensive development, greater residential development uptake and a broad mix of activities.
78. I disagree with Kāinga Ora [391.11, 391.33] regarding their request to delete Comprehensive Development from the PDP (including the definition). I have traversed in paragraphs 73-76 the origins, purpose and benefits of the Comprehensive Development mechanism (in the DDP not PDP), the policy direction (included in CCZ-P9) and the definition (in the PDP). I consider that there is merit in retaining the definition as there is reference in:

¹² Wellington City Proposed District Plan, [Residential Design Guide](#)

¹³ Wellington City Proposed District Plan, [Centres and Mixed Use Design Guide](#)

- The introduction to CCZ with regards to *‘in locations where rapid transit investment has been signalled measures have been included to enable opportunities for more intensive, comprehensive development to occur, particularly in areas within a walkable distance of planned rapid transit stops.’*
 - Policy detail in CCZ-P9(1) seeking to recognise the benefits of *‘well-designed, comprehensive development’*, which includes optimising development capacity of land, providing for a greater level of residential accommodation, and supporting business, open space and community facilities etc.
 - Policy detail in CCZ-P11 where *‘comprehensive development’* in the CCZ, as well as over and under height, large-scale residential, non-residential is required to deliver City Outcomes Contribution.
 - The term is also referenced across other CMUZ and also the Three Waters chapter.
79. I consider it is important, especially in the CCZ, to retain this definition and concept as is it encourages developers to consider developing a contiguous area of land, including amalgamation of sites, and enforces that Council would seek that this contains the following matters:
- is planned, designed and consented in an integrated manner; and
 - contains a mix of activities and building type; and
 - is constructed in one or more stages.
80. Retaining this terminology in the policy frameworks for CCZ-P9 and CCZ-P11 provides clear policy direction for when large-scale developments are proposed in the CCZ and other CMUZ, and provides policy direction for applicants and consent planners to consider when assessing a large scale development. Consent planners have the grounds to seek that the development occurs in an integrated fashion, that it contains a mix of activities and building types and is constructed in one more stages.
81. By not specifying what *‘mix of activities’* is appropriate, this gives developers and Council through the consent process the flexibility to consider what the best use of activities might be for certain sites, blocks and suburbs based on existing activities, consumer demands and other factors. Whilst ideally this would incorporate residential activity, it might be that in certain circumstances retail, commercial and office activities are more appropriate. This enables a dialogue between the applicant and Council.
82. I consider it is important that developments of this nature and scale (based on the definition) are required to undertake City Outcomes Contribution in order to provide outcomes back to the city. City Outcomes Contribution is a mechanism included in the PDP that replaced the Design Excellence mechanism in the ODP Central Area. It is an incentive tool which aims to incentivise “density done well” by giving density-related development concessions in return for publicly beneficial outcomes such as provision of public space, enhanced sustainability or accessibility and provision of assisted housing. Under the PDP, Comprehensive Development is one trigger for requiring City Outcomes Contribution.
83. I acknowledge the concern raised by Jill Wilson [218.3] in her submission point regarding new apartments being required to incorporate adequate storage or emergency supplies. However, I disagree regarding seeking developers provide this unique type of storage as this is not a matter to be enforced under the RMA. Under the PDP (Transport Chapter provisions and design guides), there are minimum storage space requirements for micro-mobility and direction around storage design in the design guides. However, beyond providing micro-mobility storage, I do not consider that it is appropriate for Council to determine what the provision of storage is actually used for.

Summary of recommendations

84. HS4-P1-CCZ-Rec1: That general submission points on the CCZ are accepted/rejected as detailed in Appendix B.

85. HS4-P1-CCZ-Rec2: That CCZ Introduction be amended as follows:

Introduction

The purpose of the City Centre Zone is to enable and reinforce the continued primacy of the Wellington central city area as the principal commercial and employment centre servicing the city and metropolitan region. The City Centre Zone is the commercial heart of Wellington and the wider region and New Zealand's Capital City. It is also a major employment hub for the region and contains a vibrant and diverse mix of inner city living, entertainment, educational, government, **parliamentary, civic** and commercial activity. Relative to other areas of the city it exhibits a heightened intensity and scale of development.

86. HS4-P1-CCZ-Rec3: That CCZ-P1 (Enabled activities) be amended as follows:

CCZ-P1

Enabled activities

Enable a range and diversity of activities that support the purpose and ongoing viability of the City Centre Zone and enhances its vibrancy and amenity, including:

1. Commercial activities;
2. Residential activities, except;
 - a. Along any street subject to active frontage and/or verandah coverage requirements;
 - b. On any site subject to an identified natural hazard risk;
3. Community facilities;
4. Educational facilities;
5. Arts, culture and entertainment activities;
6. Emergency service facilities;
7. Marae activities;
8. Community corrections activities;
9. Public transport activities;
10. Visitor accommodation;
11. Repair and maintenance service activities; **and**
12. Recreation activities;
13. **Parliamentary activities;**
14. **Government activities; and**
15. **Civic activities.**

87. HS4-P1-CCZ-Rec4: That new rules be added to the CCZ to site above CCZ-R12 Residential Activities and rules be renumbered and references updated to these rules as necessary:

CCZ-RX	Parliamentary activities
	1. Activity status: Permitted
CCZ-RX	Government activities
	1. Activity status: Permitted
CCZ-RX	Civic activities
	1. Activity status: Permitted

Rezoning

Matters raised by submitters

88. Foodstuffs [476.67-476.70 and 476.96 – 476.99] seeks to retain the CCZ zoning for New World Railway Metro (2 Bunny Street, Pipitea), New World Willis Street Metro (70 Willis Street, Wellington Central), New World Wellington City (279 Wakefield Street, Te Aro) and New World Thorndon (150 Molesworth Street) as notified.
89. Judith Graykowski [80.12] and David Lee [454.6] seek that the Western edge of Mount Victoria is rezoned.
90. Tim Bright [75.20] seeks that the edge of Mount Victoria suburb is rezoned.
91. Joanna Newman [85.4] seeks that the CCZ east of Cambridge Terrace in Mount Victoria is rezoned to MRZ.
92. AVCC [87.16, 87.17, 87.43 and 87.44 (opposed by Generation Zero FS54.20, FS54.21, FS54.47 and FS54.48, supported by WCCT FS82.245, FS82.246 and Historic Places Wellington Inc FS111.138)] seeks that 290 292, 294, 296, 298, 300, 302, 304 and 306 Willis Street is rezoned from CCZ to MRZ.
93. Alan Olliver & Julie Middleton [111.8] seeks that the area of Mount Victoria that is CCZ is rezoned to MRZ. The submitter also seeks that the western edge of Mount Victoria that is within the CCZ is rezoned to MRZ [111.1 (supported by WCCT FS82.198)].
94. Vivienne Morrell [155.15] seeks that the Western edge of Mount Victoria is rezoned.
95. Dr Briar E R Gordon and Dr Lyndsay G M Gordon [156.2, 156.3 (supported by Thorndon Residents' Association Inc FS69.67, FS69.68) and Historic Places Wellington Inc FS111.198)] oppose the zone change of the area east of the motorway and seeks that it is rezoned.
96. Jonothan and Tricia Briscoe [190.19] seeks that the area of Mount Victoria that is CCZ is rezoned to MDZ. The submitter also seeks that the western edge of Mount Victoria that is within the CCZ is rezoned to MRZ [190.11 (supported by WCCT FS82.189 and Historic Places Wellington Inc FS111.118)].
97. Michael O'Rourke [194.14 and 194.9] seeks that the Adelaide Road spine is rezoned from CCZ to HRZ and the mapping is amended to reflect this.
98. Mount Victoria Historical Society [214.3 and 214.10 (supported by Historic Places Wellington Inc FS111.67, FS111.87, FS111.73, WCCT FS82.181 and opposed by Kāinga Ora FS89.96)] seeks that the CCZ east of Cambridge Terrace in Mount Victoria is rezoned to MRZ.
99. Wheeler Grace Trust [261.1, 261.2 (supported by Historic Places Wellington Inc FS111.187)] seeks that Selwyn Terrace, Thorndon is rezoned from CCZ to HRZ.
100. Wellington Branch NZIA [301.9] seeks to remove Adelaide Road from the CCZ.
101. Richard Murcott [322.7 and 322.26 (supported by Thorndon Residents' Association Inc FS69.42, FS69.58)] seeks that the Selwyn Terrace residential enclave be rezoned from CCZ to MRZ.
102. Richard Murcott [322.8 and 322.27 (supported by Thorndon Residents' Association Inc FS69.43, FS69.59)] seeks that the residential area of Portland Crescent be rezoned from CCZ to MRZ.

103. Richard Murcott [322.9 and 322.28 (supported by Thorndon Residents' Association Inc FS69.44, FS69.9, FS69.60)] seeks that the residential area of Hawkestone Street rebe rezoned from CCZ to MRZ.
104. Thorndon Residents' Association [333.15 and 333.16] seeks that the Selwyn Terrace / Hill Street enclave and the Portland Crescent/Hawkestone St cluster not be classified as CCZ, and be rezoned back to Inner Residential Area, with a qualifying matter as a Character Precinct Area, in a manner consistent with the maps and information appended to their submission.
105. Guy Marriage [407.1 and 407.6] seeks that Adelaide Road is rezoned from CCZ.
106. Thorndon Residents Association [333.1 - 333.3] (supported by WCCT FS82.280 - FS82.282 and Historic Places Wellington Inc FS111.179 - FS111.181)] seeks that the Selwyn Terrace / Hill Street enclave and the Portland Crescent/Hawkestone St cluster be rezoned from City Centre Zone to Inner Residential Area and have a Character Precinct overlay applied.
107. Eldin Family Trust [287.2, 287.3 (supported by Thorndon Residents' Association Inc FS69.2, WCCT FS82.289, FS82.290 and Historic Places Wellington Inc FS111.176)] opposes the rezoning of Selwyn Terrace from Inner Residential in the ODP to CCZ in the PDP, and seeks that it is rezoned from CCZ to MRZ.
108. Roland Sapsford [305.22 (supported by WCCT FS82.265, LIVE WELLington FS96.110, Historic Places Wellington FS111.155)] seeks that all CCZ adjoining Palmer Street is rezoned to MRZ.
109. Roland Saspford [305.23 (supported by WCCT FS82.266, LIVE WELLington FS96.111, Historic Places Wellington FS111.156)] also seeks to rezone the sites on the west side of Willis Street between Aro Street and Abel Smith Street from CCZ to MRZ.
110. Z Energy Limited [361.1] seeks to retain the CCZ at 155 Taranaki Street and 174 Vivian Street.
111. Fabric Property Limited [425.4-425.7] seeks the zoning is retained as notified at the following properties:
 - a. 22 The Terrace
 - b. 1 Grey Street
 - c. 20 Customhouse Quay
 - d. 215 Lambton Quay.
112. McDonald's [274.2] supports the zonings that have been applied to their existing restaurants.
113. Mt Victoria Residents' Association [342.18 (supported by WCCT FS82.191 and Historic Places Wellington Inc FS111.121)] seeks that all of Mount Victoria is treated as one unit that includes Cambridge Terrace and Kent Terrace.

Assessment

114. I acknowledge the submission points from Food Stuffs North Island [476.67-476.70, and 476.96 – 99], Z Energy Limited [361.1], Fabric Property Limited [425.4-425.7] and McDonald's [274.2] seeking that their respective sites currently zoned CCZ retain this zoning.
115. I disagree with the submission points from Judith Graykowski [80.12], David Lee [454.6], Tim

Bright [75.20], Joanna Newman [85.4], Alan Olliver & Julie Middleton [111.1, 111.8], Vivienne Morrell [155.15], Jonothan and Tricia Briscoe [190.11, 190.19], Mount Victoria Historical Society [214.3, 214.10] and Mount Victoria Residents' Association [342.18] to rezone the western edge of the PDP CCZ boundary with Mount Victoria to MRZ (or a residential zone generally), including treating Cambridge Terrace and Kent Terrace as one unit with Mount Victoria, for a number of reasons including:

- The CCZ boundary has not changed from the Operative Plan. Figure two below shows the CCZ boundary edge with Mount Victoria. I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change in zoning.



Figure 2: Showing CCZ zone interface with Mount Victoria

- Of the CCZ suburbs, Te Aro has seen the most growth in recent years, with increased intensification over the lifespan of the ODP in the area. Appendix D Central Area Monitoring Report (2019)¹⁴ analysed 408 consents from October 2013 – June 2019. The data showed that:
 - 54% (218) of consents in the Central Area were in Te Aro - to the south of the central city, 23% (96) of consents in the Central Area were in Wellington Central and a further 11% (45) were in Pipitea (see figure three).

¹⁴ Wellington City Council, [Planning for Growth District Plan Review Central Area Monitoring Report](#), December 2019

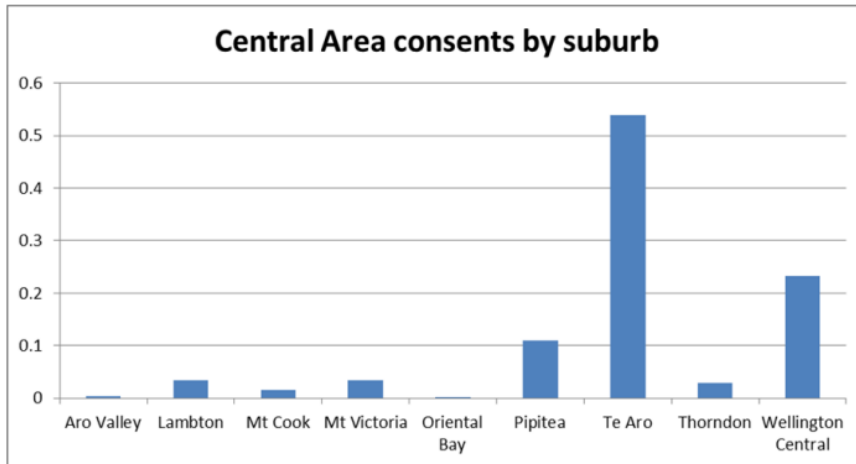


Figure 3: Number of consents in each Central Area suburb (%)

- 19% of consents were close to the boundary of the Central Area. The eastern boundary (along Mount Victoria) made up 3% of new development occurring within this zone. The report shows in figure four below, that of the consents near the eastern boundary the main purpose of these was for new buildings, major additions and alterations and subdivision.

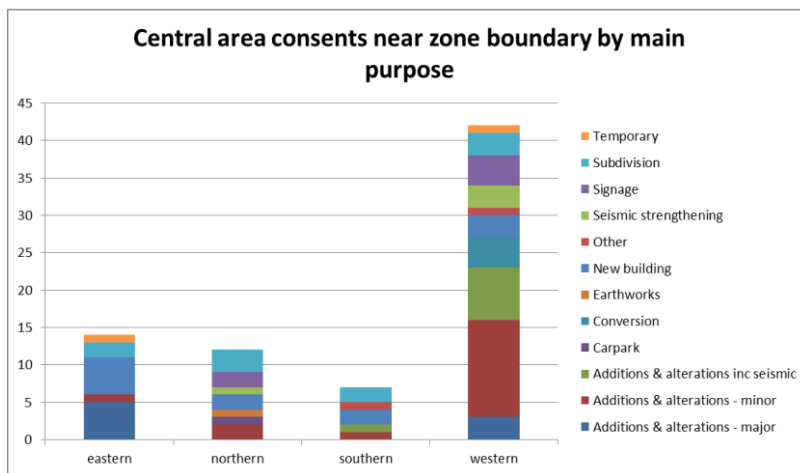


Figure 4: Number of central area consents near zone boundary by main purpose

- The report also found that 50% (11 out of 23) of the consents that breached height rules were in Te Aro. This compares to 54% of resource consents in the Central Area being in Te Aro. Mt Victoria¹⁵ has the second highest height breaches (5 consents) (23%). Figure five below shows Central Area consents with height exceedances by suburb.

¹⁵ A portion of Mount Victoria is located within the ODP Central Area and PDP CCZ as is based off WCC Suburb Boundaries. This includes properties on Kent Terrace, Hania Street, Elizabeth Street etc.

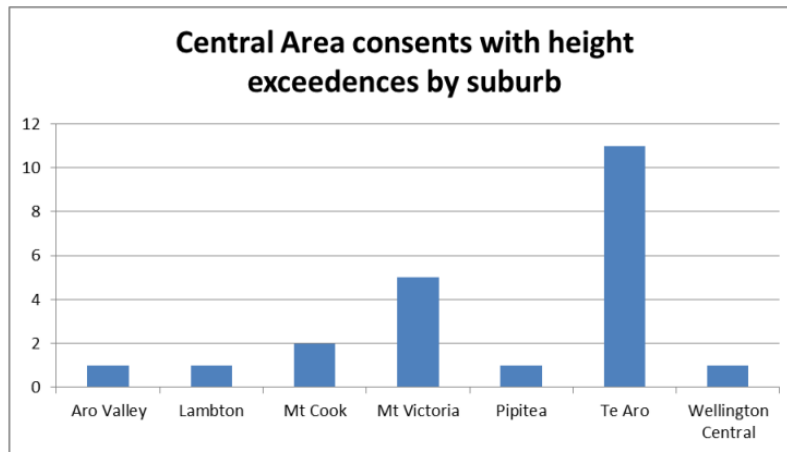


Figure 5: Number of consents with height exceedances by suburb (%)

- Additionally, of the 10 consents which breached mass rules, 50% (5) were in Te Aro. Mt Victoria had two consents which breached both height and mass rules.
 - In my view, the area along the CCZ edge with Mount Victoria features a dynamic mixture of land use activities, thus fitting with the purpose and activities enabled and expected within the CCZ. This includes residential activities, childcare services, car rental services, retail activities, car yards, commercial activities, repair and maintenance services, churches, fast-food outlets and restaurants, gyms and entertainment activities (most notably the Embassy theatre and Bats Theatre).
 - Furthermore, there is a range of scale across existing developments within this area from ground level yard retail sites to higher rise commercial buildings and apartments up to nine storeys e.g. the Alpha Apartments and Kent Apartments. As such I consider that the activities and built form provided for in the CCZ best enables the activities and built form that currently exists within this area. Based on the above, I consider that this area is more fitting with CCZ zoning than the HRZ.
 - I note that there are controls identified through CCZ-S3 to manage CCZ sites adjacent to character precincts and residentially zoned heritage areas.
 - Additionally, Cambridge Terrace and Kent Terrace have been identified as being on the chosen Mass Rapid Transit (MRT) route identified by Let's Get Wellington Moving (LGWM). This will lead to significant change in the area in terms of the development of MRT infrastructure and stations, and MRT will also be a catalyst for further high density mixed use and residential development along this corridor. I consider CCZ is the best zoning to enable the change expected through the LGWM MRT process.
 - These streets and their surrounds contain a dynamic mixture of land use activities and built form, which is more akin to CCZ than HRZ. I note HRZ, because any area surrounding the CCZ within the walking catchment would be HRZ rather than MRZ under NPS-UD Policy 3(c)(ii). I also note these streets are not subject to any character precincts or heritage areas, and under the HRZ heights would be enabled to six storeys.
116. I disagree with the submission point from AVCC [87.16, 87.17, 87.43 and 87.44] and Roland Sapsford [305.22, 305.23] seeking 290, 292, 294, 296, 298, 300, 302, 304 and 306 Willis Street, and CCZ zoned sites adjoining Palmer Street, be rezoned to MRZ, and CCZ sites on the west side of Willis Street between Aro Street and Abel Smith Street being rezoned from CCZ to MRZ, for the following reasons:

- This PDP CCZ boundary has not changed from the Operative Plan. Figure six below shows the current zoning of 290, 292, 294, 296, 298, 300, 302, 304 and 306 Willis Street. I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change in zoning.



Figure 6: Showing location and zoning of 290, 292, 294, 296, 298, 300, 302, 304 and 306 Willis Street in red

- I note that some of these sites back onto character precincts and as such CCZ-S3 applies and provides an appropriate edge treatment. I also note that the CCZ height has been stepped down to 28.5m to provide an edge control. I consider that if these sites were to be rezoned, they would be rezoned HRZ rather than MRZ given they sit within the walking catchment of the City Centre under NPS-UD Policy 3(c)(ii).
- I note that there is a mix of uses within these sites including a funeral home, the multi-storey Norton Flats, stand-alone dwellings, a restaurant, retail shops and commercial activity. The built form varies in height and density as follows:
 - 304-306 Willis Street - A one storey standalone building utilised as the Lynchgate Funeral Home;
 - 302 Willis Street - Three storey Norton Flats;
 - 298-300 Willis Street – Two storey standalone dwellings;
 - 294-296 Willis Street – Three Storey apartments with retail and commercial on ground floor; and
 - 292 Willis Street – Two storey dwelling.
- Whilst the sites in question vary from one storey to three, I note that the wider area includes a mixture of densities. Palmer street is largely standalone dwellings of one-two storeys but with a 14 storey apartment building at the end of the street. At the corner of Aro Street and Willis Street (across the road from 306 Willis Street) is the four storey Blythswood flats and eight storey Willis Wellington Hotel. In my view, this area represents a mixture of land uses and densities.
- These properties are well located on public transport routes, within close proximity to the CBD, and also adjoin State Highway 1 along Karo Drive.

- In my view if this area was not zoned CCZ, it would likely instead be HRZ rather than MRZ as it sits within the walking catchment of the City Centre and is not subject to any character precincts or heritage areas, and under the HRZ heights would be enabled to six storeys. Willis Street is surrounded by a mixture of different land uses and densities, and such diversity is also evident on this section of Willis Street itself, which is more akin to CCZ than HRZ. I note HRZ, because any area surrounding the CCZ within the walking catchment would be HRZ rather than MRZ under NPS-UD Policy 3(c)(ii).
- Appendix D Central Area Monitoring Report (2019)¹⁶ identifies these sites as being along the Western Boundary of the ODP Central Area. The report found that the Western boundary was the boundary experiencing the greatest level of new development with 10% (42) of consents occurring within this zone. Just over half (23, 55%) of the 42 consents near the Western boundary were for additions & alterations. 31% (13) of these were for minor additions & alterations, and a further 24% (10) were for works including seismic strengthening.
- Figure five on page 21 of this report, identifies the purposes of the consents sought for this western boundary. Not only were additions and alterations sought, but also new buildings, conversions, etc.

117. I disagree with the submission points from Eldin Family Trust [287.2, 287.3], Dr Briar E R Gordon and Dr Lyndsay G M Gordon [156.2, 156.3], Wheeler Grace Trust [261.1, 261.2], Richard Murcott [322.7, 322.9, 322.26, 322.27 and 322.28] and Thorndon Resident’s Association [333.15 and 333.16] to rezone Selwyn Terrace, Hill Street, Portland Crescent and Hawkestone Street area from CCZ to MRZ for a number of reasons:

- Figure seven shows the location and zoning of Selwyn Terrace, Hill Street, Portland Crescent and Hawkestone Street area. The motorway acts as a clear physical boundary between the CCZ and residential zones in this part of Thorndon;



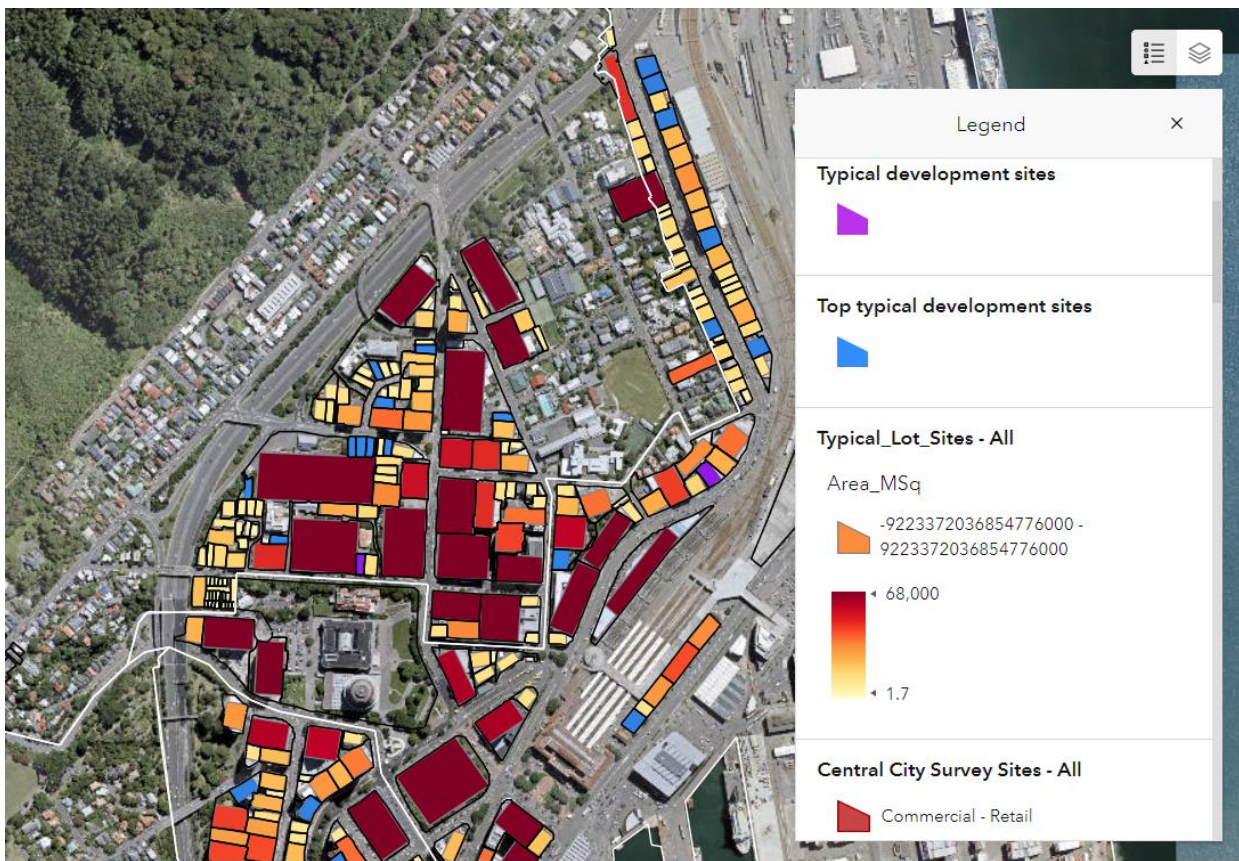
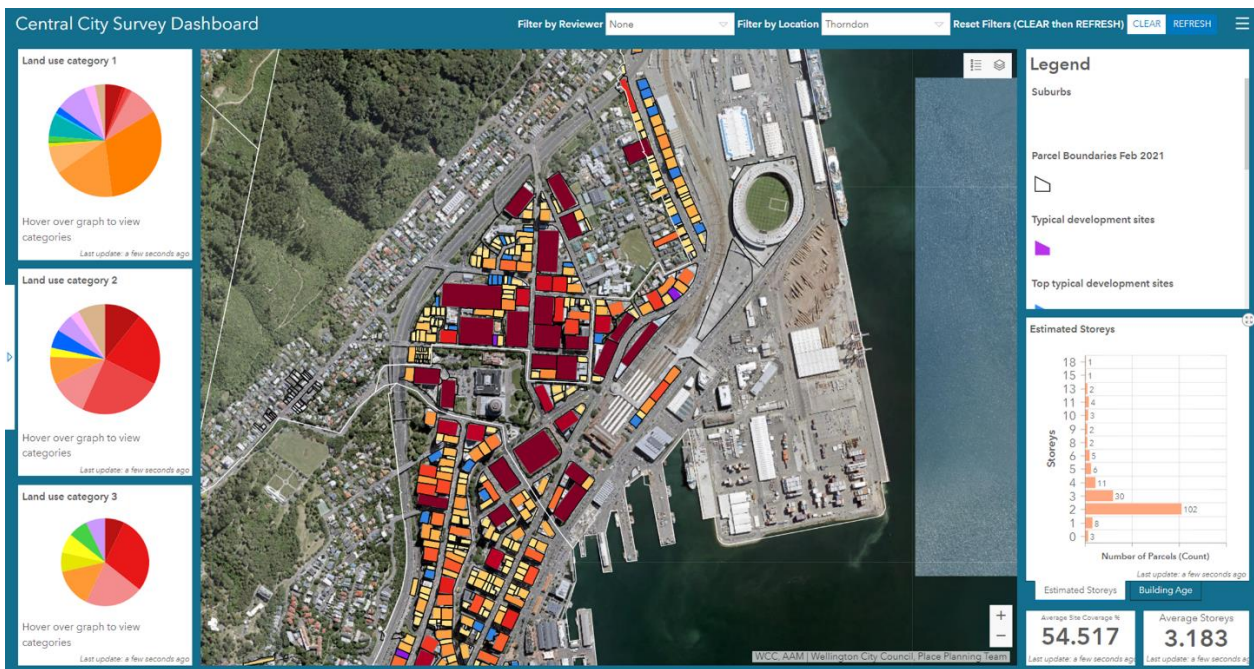
Figure 7: Showing location and PDP zoning of Selwyn Terrace, Hill Street, Portland Crescent and Hawkestone Street

- These streets are surrounded by a mixture of different land uses and densities, and such diversity is also evident on these streets themselves, which is more akin to CCZ than

¹⁶ Wellington City Council, [Planning for Growth District Plan Review Central Area Monitoring Report](#), December 2019

HRZ. I note HRZ, because any area surrounding the CCZ within the walking catchment would be HRZ rather than MRZ under NPS-UD Policy 3(c)(ii). Located within Portland Crescent is the Atura Hotel and Kids Reserve Childcare Centre, with the remaining area being two-storey properties and a multi-unit building at the end of Portland Crescent. Adjacent to Portland Crescent is Hawkestone Street which contains office buildings, residential dwellings and St Mary's college. Also adjacent to Portland Crescent is Molesworth Street containing high-rise office buildings.

- Whilst I acknowledge that Selwyn Terrace at the top of the street does have a concentration of one to two storey standalone residential dwellings, it is of a more mixed nature at the bottom of the street and surrounding areas. This includes an apartment building at the base, the British High Commission, Te Whanga Atawhai Mercy Conference Centre and Saint Mary's College behind.
- Whilst there are still standalone one to two storey dwellings now, we cannot predict the future use of the sites, and regardless of it being HRZ or CCZ, Council is compelled through the NPS-UD to enable high density development to cater for the anticipated rise in population in the City. Figures 8 - 10 below show the results of a land-use survey undertaken by Council in 2020, of which the purpose was to get a better understanding of current built development in pockets of Thorndon and Adelaide Road signalled to be included in the CCZ. For the Thorndon and Adelaide areas the number of storeys ranged from an vacant, flat site to 18 storeys, showing the range in heights of buildings.
- As well as other findings, the survey identified that this area had:
 - An average site coverage of 54.5%;
 - An average of 3.2 storeys for existing development;
 - A mixture of lot sizes, the majority of which are smaller lots with a dozen plus significantly larger sites for schools and other large-footprint activities. The top typical development site sizes ranged from 307.4m²-449.7m², with larger sites being in excess of 2000m² up to 12,000m²; and
 - A mixture of land uses including government, community, education, recreation, commercial and residential. Residential activities took up the top three land uses (in order of standalone/single units, multi-units and apartments) followed by commercial activities (office and then retail).



Figures 8 and 9: Showing the average lot sizes in Thorndon

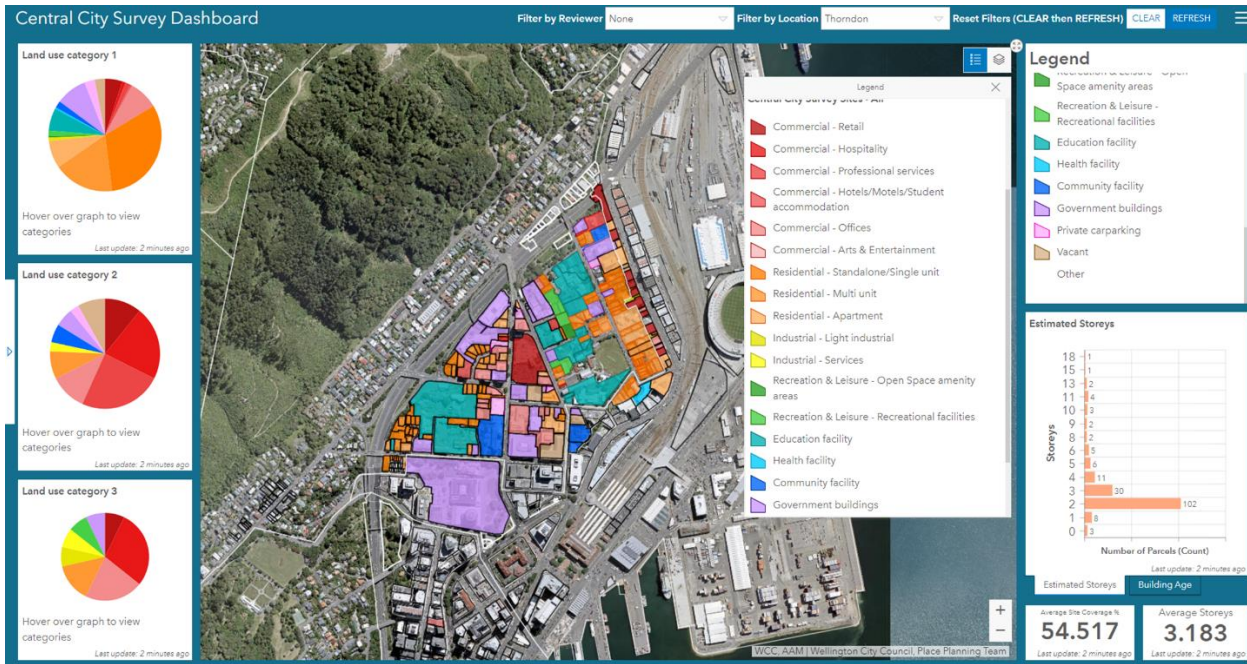


Figure 10: Showing the land use categories in Thorndon

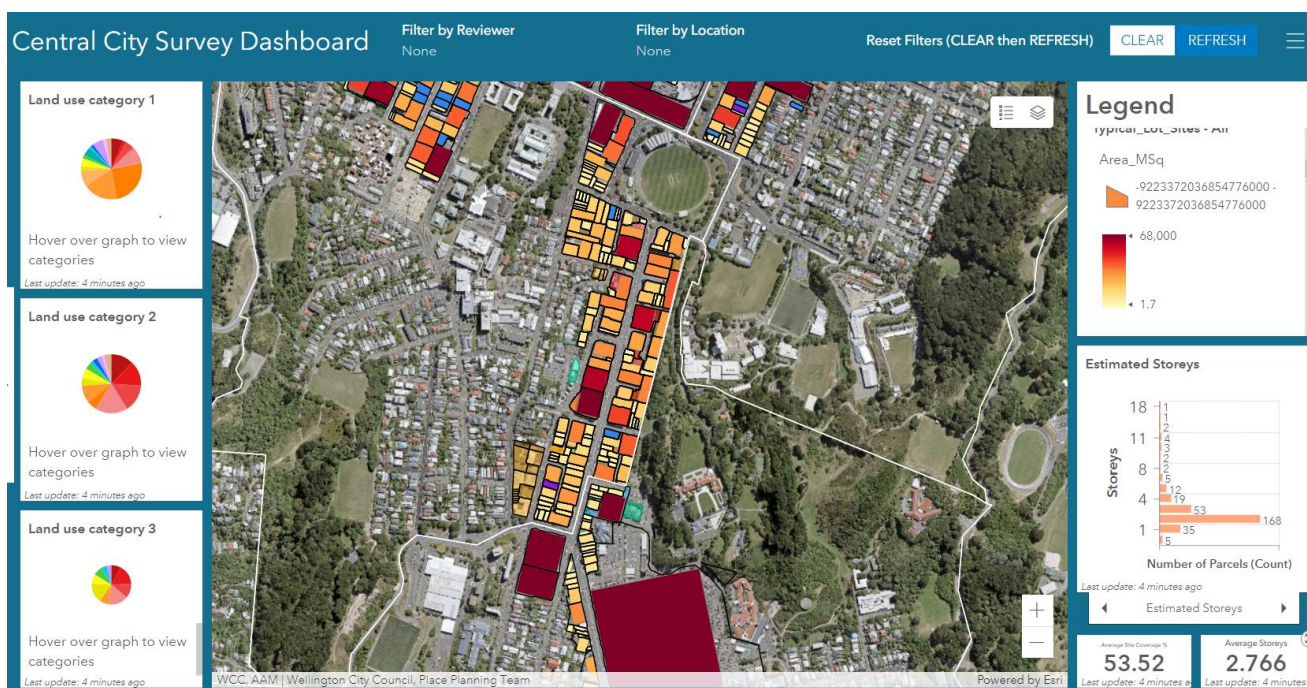
- Given the wider area features higher density development, I do not consider it is appropriate to rezone a small pocket of land to HRZ, as this would be out of keeping with the wider area. These areas currently in the ODP adjoin the Central Area and given their location are well-located to support increased densification and opportunities for new housing to meet the city’s growth needs. I appreciate that this area is one of the city’s oldest urban areas, however the NPS-UD directs Council to enable intensification within these areas. This means that even if the area in question is not identified as part of the CCZ, the Council is required to enable ‘at least 6 storey’ development as it sits within a walkable catchment of the edge of the Central City.
- I note that in their Market and Retail Assessment 2020¹⁷ report conclusion, Sense Partners advised that there is little doubt that rezoning pockets of Thorndon as CCZ in the DDP (at the time this included Hobson Street and Hobson Crescent also) will result in increased levels of development within the residential sector. However, they noted inhibiting factors such as the current pattern of land ownership within the area being fractured with individual lots typically being small in nature, and the impact of intensification on land use likely to occur over a long-term period.
- As per the officer’s S42a report for Hearing Stream 2, it is not recommended that character precincts be extended over these areas. In my view, this provides even more rationale for retaining the CCZ zoning, rather than changing it back to a residential zoning.
- This area of Thorndon and Pipitea is within walking distance of the Wellington Railway Station and Bus Station, with thousands of commuters, students and other people going to destinations in this area. Paneke Ponake is improving walking and cycling connections through the area. These transport services support the high density mixed uses enabled by the CCZ.
- Finally, I do not consider that compelling evidence or s32AA assessment has been

¹⁷ Sense Partners and Colliers International, [Retail and Market Assessment for Wellington City Council](#), November 2020

provided by submitters to support any change in zoning.

118. I disagree with the submission points from Michael O'Rourke [194.9, 194.14], Wellington Branch NZIA [301.2 (supported by WCCT FS82.212), 301.9] and Guy Marriage [407.1, 407.6] to rezone Adelaide Road from CCZ to HRZ for the following reasons:

- Over the life of the Operative Plan the portion of Adelaide Road between Rugby Street and Riddiford Street has had a Centres Zoning. If it was not CCZ it would be retained as a Centres Zoning or a Mixed Use Zone (MUZ) rather than HRZ. HRZ would inhibit the wide variety of activities that currently operate in the area as well as inadequately provide for future anticipated mixed use activities.
- Figures 11 and 12 below show the results of a land-use survey undertaken by Council in 2020, of which the purpose was to get a better understanding of current built development in pockets of Thorndon and Adelaide Road signalled to be included in the CCZ. As well as other findings, the survey identified that the Adelaide Road area (between Rugby Street and Riddiford Street) had:
 - An average site coverage of 53.5%;
 - An average of 2.7 storeys for existing development;
 - A mixture of lot sizes, the majority of which are moderately sized lots, with the top typical development site size being 541m², as well as a handful of larger sites (over 2,200m²) currently utilised as a range of activities including storage, commercial activities, gyms etc; and
 - A mixture of land uses including retail, hospitality, residential (standalone/single dwellings, multi-unit, apartments), light industrial, services, repair and maintenance, community facilities etc. Commercial and residential are the primary uses. The main primary land uses were stand alone/single unit dwellings, multi-units, apartments, offices, retail, government buildings, industrial-services and education facilities.



Figures 11: Showing the average lot sizes in the CCZ Adelaide Road area.

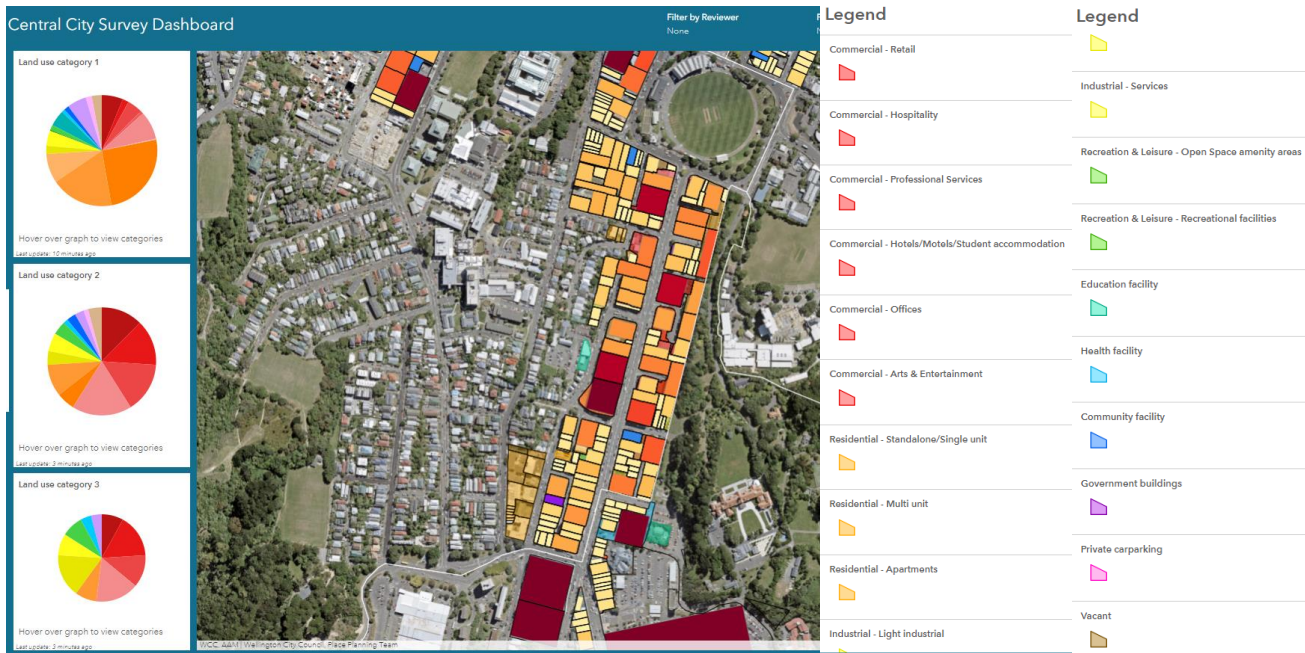


Figure 12: Showing the land use categories in the CCZ Adelaide Road area.

- As detailed on page 97 of the CCZ, WFZ, STADZ and Te Ngākau S32 report¹⁸, Sense Partner’s in their Market and Retail Assessment 2020¹⁹ noted that the proposed change in zoning for Adelaide Road to CCZ allows for more intensive development and will accelerate change from light industrial activities to high end uses. The report notes that they expect mixed use development with ground floor retail to lift the quality of the building stock in the area, with population growth supporting existing and new retail development.
- The extension of the CCZ to Adelaide Road is also a natural extension of the CCZ to an area that is already characterised by mixed-use development and that is already seeing high density residential development. Adelaide Road provides opportunities to accommodate growth anticipated in the CCZ.
- Adelaide Road has been signalled for redevelopment for an extended period now, first through the Adelaide Road Framework²⁰ and then through the Spatial Plan²¹. This has therefore been an area identified for mixed use high density growth and CCZ, over and above HRZ, is the considered the most appropriate zone to enable this. Additionally, Adelaide Road is the chosen MRT route identified by LGWM, and through this process has been identified as a key area for intensive redevelopment around an MRT station(s). I therefore consider CCZ is the best zoning to capitalise on the benefits that MRT will bring as a key enabler of growth.
- I also do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change in zoning.

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

¹⁹ Sense Partners and Colliers International, [Retail and Market Assessment for Wellington City Council](#), November 2020

²⁰ Wellington City Council, [Adelaide Road Framework: A long-term vision for future growth and development](#), November 2008

²¹ Wellington City Council, [Our City Tomorrow: A Spatial Plan for Wellington City](#), 24 June 2021

Summary of recommendations

119. HS4-P1-CCZ-Rec5: That submission points on CCZ Introduction are accepted/rejected as detailed in Appendix B.
120. HS4-P1-CCZ-Rec6: No amendments are recommended amendments are suggested as a result of submissions seeking rezoning of CCZ properties.

Other CCZ matters

Matters raised by submitters

121. VUWSA [123.56] supports all moves towards higher density housing in the CCZ.
122. VUWSA [123.57] seeks for WCC to consider further steps that could be taken to ensure housing quality, affordability and accessibility.
123. Wellington City Youth Council [201.33] seeks that the PDP facilitates pedestrianisation of areas such as Cuba street to stimulate business activity and make better use of limited space.
124. Steve Dunn [288.12] seeks that intensification in Newtown should be focussed along Adelaide Road.
125. Wellington Branch NZIA [301.7 (supported by Wellington Civic Trust FS83.16 and opposed by Retirement Villages Association FS126.224 and Ryman FS128.224)] seeks that a mandatory Design Panel Review be adopted for all inner-city developments.
126. Wellington Branch NZIA [301.8] considers that the Council needs to work harder to create good quality meaningful living conditions for residents in Te Aro to ensure that this area will flourish and not become a slum.
127. Living Streets Aotearoa [482.59 (supported by Thorndon Residents' Association FS69.100)] seeks that in any future developments, the effect on adjacent public spaces is addressed.

Assessment

128. I acknowledge the submission point of VUWSA [123.56]. I note that the CCZ as notified encourages higher density housing throughout the whole chapter. The introduction notes that to maximise development capacity to accommodate projected growth, an increase in the scale and intensity of development is enabled across the zone. This includes building height, density and urban form tailored to align with the outcomes sought by the NPS-UD.
129. In general terms, CCZ-O2 supports accommodating growth, and CCZ-P4 enables high density, good quality residential development that contributes to accommodating anticipated growth and encourages a range of housing price, type, size and tenure that is accessible to people of all ages, lifestyles, cultures and abilities. Rules and standards enable exceedances in height through the City Outcomes Contribution mechanism, and development is enabled as a Restricted Discretionary Activity. There is only potential for limited notification and development must meet the minimum height requirement of 22m, which seeks to optimise the development capacity of sites.
130. CCZ-P6 and CCZ-R21 provide for adaptive reuse of buildings including conversion of office or

commercial buildings into residential dwellings, which will also help to accommodate growth, and examples of this are already being seen across the CCZ. Sense Partners 2020 Market and Retail Assessment²² forecasted an increase in C grade office buildings converting to residential dwellings, particularly in Te Aro. Recent examples of building conversions with the CCZ include:

- Te Kāinga Aroha at 197 Willis St;
- Te Kāinga Te Aka at 203 Willis St;
- Te Kāinga Te Pu at 180 Willis St;
- Trojan House 125 Manners St;
- The Victoria 120 Victoria St; and
- Eagle Technology House 125 Victoria St.

131. Whilst I understand the concerns of VUWSA [123.57] with regards to ensuring housing quality, affordability and accessibility, I note that the CCZ encourages and provides for all three matters through objectives, policies, rules and standards, as well as the Residential Design Guide, the Centres and Mixed Use Design Guide and the City Outcomes Contribution mechanism. CCZ-O2 and CCZ-P4 encourage a choice of building type, size, affordability and distribution, including forms of medium and high-density housing; CCZ-O5 supports good quality amenity and design, and; CCZ-P9 and CCZ-P10 address quality design outcomes and residential amenity.
132. With regards to Wellington City Youth Council's (WCYC) submission point [201.33], I note that it is not the place of the District Plan to direct which streets get pedestrianised or what access modes can utilise streets. These changes need to be done through Council resolutions to amend schedules in the Traffic and Parking Bylaw under the Local Government Act. However, I note that INF-P9 enables upgrading and development of the transport network to, among other things, provide for pedestrian, cycling and micromobility safety and connectivity. INF-P10 says Council will classify roads according to the Waka Kotahi One Network Framework²³, which includes prioritising these pedestrian and other active modes where 'place' values are high such as Civic Spaces, Main Streets and City Hubs. This classification will guide Council and Waka Kotahi investment to improve active mode infrastructure on streets.
133. I note that within the CCZ a wide range of activities are enabled as Permitted Activities already. I also note that Council is already undertaking regeneration projects on street, laneways and public spaces such as the Swan and Garrett laneway off Cuba Street. Additionally, LGWM are undertaking street improvements works as part of their 3-year, People-Friendly City Streets, and Transformational programmes. With regards to better use of limited space I note that that CCZ-P5 requires the available development capacity of land within the zone to be efficiently optimised.
134. I note in response to Steve Dunn's submission point [288.12] that growth in Newtown has been addressed through Hearing Stream 2. Whilst growth is anticipated along Adelaide Road, growth has to be spread across the city as provided for in the Spatial Plan.
135. With regards to Wellington Branch NZIA's submission point [301.7] I note that Dr Zarmani addressed design panels in his evidence for Hearing Stream 2 with regards to the design guides. Dr Zarmani noted in paragraph 24 of his evidence that the use of design panels to assess resource consents has been considered through the process, and currently Council are working on operational matters regarding establishing the Wellington Urban Design Panel. Dr Zarmani also

²² Sense Partners and Colliers International, [Retail and Market Assessment for Wellington City Council](#), November 2020

²³ <https://www.nzta.govt.nz/planning-and-investment/planning/one-network-framework/>

notes that Council's design review team will be asking the Council to provide adequate funding for this in the next Council Long-Term Plan. Dr Zarmani concluded that this is a matter that sits outside of the PDP and in his view should not be included in the planning framework.

136. I concur with Dr Zarmani's feedback. However, I point out that under the City Outcomes Contribution, one outcome is review by design panels. This panel as referenced is the same panel Dr Zarmani speaks to in his evidence.
137. I understand the concerns of Wellington Branch NZIA [301.8] regarding the impact of tall buildings in Te Aro and loss of sunlight access. As I have canvassed in paragraphs 43-46 and 67-69 of this report, a street edge height control was considered, however this was determined not to achieve the outcomes that were intended through the mechanism.
138. I consider that there are sufficient mechanisms within the CCZ, Residential Design Guides and Centres and Mixed Use Design Guides to provide sufficient amenity to residents living in CCZ through the minimum unit size, outdoor living space requirement, outlook space requirement, maximum depth control and internal site setback and design guide guidelines to ensure adverse effects of tall buildings are mitigated through these controls. The sunlight protection to public spaces mechanism will help to preserve sunlight in public spaces, which also provides inner city residents with amenity benefits.
139. CCZ-P9(2)(b) seeks to ensure that development responds to the pedestrian scale of narrower streets, which is an important consideration for developments within Te Aro.
140. The NPS-UD Policy 6(b) direction is relevant here. In summary, it states that decision makers must have particular regard to the urban built form enabled through district plans changed in accordance with the NPS-UD. It notes that this may detract from some people's perception of amenity values, but improves other people's amenity values, such as future residents (e.g. by including increased and varied housing densities). The resulting impact on real or perceived amenity values is not, in itself, an adverse effect.
141. With regards to Living Street Aotearoa's submission point [482.59], I note that effects on adjacent public spaces are already addressed through CCZ-P12 and CCZ-S6; minimum sunlight access to public spaces. CCZ-P9(2)(a)(iv) seeks that development responds to the site context, particularly where adjacent to a listed public space. This is an established ODP control which has been effective in maintaining sunlight access to listed public spaces in the CCZ. As part of the district plan review, a review was undertaken of all the listed public spaces in the CCZ subject to the ODP control. This review is detailed on pages 264-269 of the CCZ, WFZ, STADZ and Te Ngākau S32 report²⁴.
142. This review including modelling of ODP sites to check that these sites were still receiving adequate sunlight during the prescribed and adjusted hours were made based off this work. In addition, a review of all public spaces included in the CCZ boundaries was undertaken and 15 additional sites were added to the list of protected sites under the CCZ sunlight control (the number of protected sites went from 13 in the ODP to 28 in the PDP). Assessment of sunlight access at the time that the plan was notified of each additional public space was undertaken to assess appropriate sunlight hours. This full list can be seen in Appendix 9²⁵.

Summary of recommendations

²⁴ <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/reports/section-32-part-2-city-centre-waterfront-stadium-civic-sqaure.pdf?la=en&hash=09FCB8F319D09C237DCD7299CB26CAF196E6EB2E>

²⁵ Wellington City PDP, [Appendix 9 – City Centre Zone and Special Purpose Waterfront Zone – Minimum Sunlight Access and Wind Comfort Control – Public Space Requirements](#)

143. HS4-P1-CCZ-Rec7: That submission points relating to Other CCZ matters are accepted/rejected as detailed in Appendix B.
144. HS4-P1-CCZ-Rec8: That no changes are made in light of Other CCZ matters raised.

Introduction (P1 Sch1)

Matters raised by submitters

145. Oyster Management Limited [404.44 (supported by Foodstuffs FS23.77)] seeks to retain the introduction as notified.
146. Generation Zero Inc [254.16] seeks to amend the introduction of the chapter for consistency as follows:

In locations where rapid transit investment has been signalled measures have been included to enable opportunities for more intensive, comprehensive development to occur, particularly in areas within a walkable ~~distance~~ catchment of planned rapid transit stops.

147. Wellington Civic Trust [388.19 and 388.20] seek to amend the Introduction of the CCZ chapter to state the need for more available public open space in the CCZ and how this shortfall is going to be corrected through the Plan and other methods available to the Council.
148. Taranaki Whānui ki te Upoko o te Ika [389.97 (opposed by Te Rūnanga o Toa Rangatira [FS138.55]) seek to amend in chapter, to include Taranaki Whānui hold ahi kā and primary mana whenua status in the CCZ.
149. Kāinga Ora [391.690 and 391.691] seeks to amend the introduction to delete Comprehensive development from the Introduction as there are no rules to implement this approach.
150. Te Rūnanga o Toa Rangatira [488.79 and 488.80] seek to amend the introduction of the CCZ to require partnership with mana whenua in the development of the Te Ngākau Civic Square Precinct.

Assessment

151. I acknowledge the submission point in support of the introduction [404.44, FS23.77].
152. In response to the submission point from Generation Zero Inc [254.16] I agree with the proposed amendment to change 'walkable distance' to 'catchment' to align with the NPS-UD terminology.
153. I acknowledge the concern raised and the intent of the submission points from Wellington Civic Trust [388.19 and 388.20]. The CCZ gives effect to the Green Network Plan, which seeks to enhance the quantity and quality of public space provision in the CCZ, through the following provisions:
- CCZ-O2(3) - Convenient access to a range of open space, including green space, and supporting commercial activity and community facility options;
 - CCZ-O5(6) – Development in the CCZ positively contributes to creating a high quality, well-functioning urban environment, including; protecting current areas of open space, including green space, and providing greater choice of space for residents, workers and

visitors to enjoy, recreate and shelter from the weather;

- CCZ-R18(1)(a)(ii) Demolition or removal of buildings and structures – where the demolition or removal of a building enables the creation of public space or private outdoor living space associated with the use of a building; and
- CCZ-P11(1) and wider City Outcome Contribution mechanism - Require over and under height, large-scale residential, non-residential and comprehensive development in the CCZ to positively contribute to public space provision and the amenity of the site and surrounding area.

154. Whilst the CCZ does have a control to provide private outdoor living space or communal living space it does not have such a standard for public space. Although the City Outcome Contribution includes a contribution as noted above. This is because in Wellington City this process is managed outside of the District Plan through processes such as development contributions, Council purchasing of sites to develop public spaces etc.
155. Regarding Taranaki Whānui ki te Upoko o te Ika’s submission point [389.97], this matter has been addressed in Hearing Stream 1’s S42A report in paragraph 487. As the Council officer notes, they do not agree with the amendments requested by Taranaki Whānui as it would be inappropriate for the plan to specify a level of mana whenua status different to that identified through Treaty of Waitangi settlement legislation. In this case Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira both have mana whenua status. I agree with this conclusion.
156. Further to this, the Tākai Here agreement between mana whenua and Wellington City Council was signed by Te Rūnanganui o Te Āti Awa ki te Upoko Te Ika a Māui for Te Āti Awa, Port Nicholson Block Settlement Trust for Taranaki Whānui ki te Upoko o te Ika, and Te Rūnanga o Ngāti Toa Rangatira for Ngāti Toa Rangatira. Tākai Here refers to the way we will bind the waka to which Te Rangapū Ahikāroa (the mana whenua signatories) and Te Kaunihera o Pōneke/Wellington City Council will work together to ensure each binding, lashing, knotting and tying of our waka is safe and fit for our collective purposes. This strategic partnership will be underpinned by the agreement’s shared values and tikanga. In summary, the Tākai Here agreement does not afford an elevated mana whenua status to any iwi partner.
157. Whilst I appreciate the point raised by Kāinga Ora [391.690 and 391.691] that there is no associated standard for the term comprehensive development, there are however two policy links to CCZ-P9 and CCZ-P11. In particular, comprehensive development is a consideration under the City Outcome Contribution mechanism. See proposed changes to the City Outcome Contribution in section 8.10 of the Overview Report.
158. I acknowledge and support the submission point of Te Rūnanga o Toa Rangatira [488.79 and 488.80] which seeks to amend the introduction of the CCZ to require partnership with mana whenua in the development of Te Ngākau Civic Square Precinct. I consider that an amendment is appropriate to recognise Council and mana whenua as partners in the Square’s redevelopment. I have been advised by Council’s Matahu aranui team to refer to Council’s mana whenua partners’ with respect to Te Ngākau Civic Square Precinct as Tākai Here partners.

Summary of recommendations

159. HS4-P1-CCZ-Rec9: That submission points on the CCZ Introduction are accepted/rejected as detailed in Appendix B.
160. HS4-P1-CCZ-Rec10: That CCZ Introduction be amended as follows:

...

A long-term vision for the Te Ngākau Civic Square Precinct has been developed and approved by the Council, the focus of which is ensuring the precinct becomes a vibrant, safe and inclusive area that enables creative, cultural, civic and arts activities to flourish. [The Council and its Tākai Here partners will plan the precinct redevelopment to realise this vision.](#) The City Centre Zone aligns with this vision by enabling a level of redevelopment to occur that accommodates the range of activities anticipated.

...

In locations where rapid transit investment has been signalled measures have been included to enable opportunities for more intensive, comprehensive development to occur, particularly in areas within a walkable [distance catchment](#) of planned rapid transit stops.

CCZ-O1 – Purpose (ISPP)

Matters raised by submitters

161. Argosy [383.92], Kāinga Ora [391.692], Oyster Management Limited [404.46], Precinct Properties New Zealand Limited [139.26], Restaurant Brands Limited [349.173] and Z Energy Limited [361.96] seek that CCZ-O1 is retained as notified.

Summary of recommendations

162. HS4-P1-CCZ-Rec11: That submission points relating to CCZ-O1 (Purpose) are accepted as detailed in Appendix B.
163. HS4-P1-CCZ-Rec12: That CCZ-O1 (Purpose) be confirmed as notified.

CCZ-O2 – Accommodating Growth (ISPP)

Matters raised by submitters

164. Paul Burnaby [44.5], Precinct Properties New Zealand Limited [139.27], FENZ [273.308], Restaurant Brands Limited [349.174], Z Energy Limited [361.97] and Argosy [383.93], Oyster Management Limited [404.47] and Willis Bond [416.142] seek to retain CCZ-O2 as notified.
165. Ministry of Education [400.142 and 400.143] seeks that CCZ-O2 be amended to explicitly recognise and provide for educational activities in the CCZ as follows:

CCZ-O2 (Accommodating growth)

The City Centre Zone plays a significant role in accommodating residential, business and supporting community service growth, and has sufficient serviced development capacity and additional infrastructure to meet its short, medium and long term residential and business growth needs, including:

...

4. Convenient access to a range of open space, including green space, and supporting commercial activity, ~~and~~ community facility options and educational facilities.

166. Kāinga Ora [391.693 and 391.694] seeks the following amendments to CCZ-O2 to clarify that

the CCZ contains ‘high-density residential living’ rather than ‘medium and high-density housing’:

CCZ-O2 (Accommodating growth)

The City Centre Zone plays a significant role in accommodating residential, business and supporting community service growth, and has sufficient serviced development capacity to meet its short, medium and long term residential and business growth needs, including:

1. A choice of building type, size, affordability and distribution, including forms of ~~medium and high-density~~ residential living housing;

Assessment

167. I acknowledge the submission points in support of the objective [44.5, 139.27, 273.308, 349.174, 361.97, 383.93, 404.47, 416.142].
168. With respect to the Ministry of Education’s submission points [400.142, 400.143], I note that ‘Additional Infrastructure’ is defined in the PDP as including social infrastructure such as schools and healthcare facilities. I consider that by amending CCZ-O2 to reference ‘additional infrastructure’ that this identifies that the CCZ is a suitable location for such facilities. In my view, this aligns with the purpose of the zone and it reflects that with a focus on accommodating residential growth in the CCZ, associated additional infrastructure such as schools and healthcare facilities need to be enabled to service residential growth. As such I agree in part with the change sought by Ministry for Education.
169. However, I do not consider it is necessary to list ‘educational facilities’ in clause 4 of CCZ-O2 because educational facilities will instead be provided for by the inclusion of ‘additional infrastructure’. I note that educational facilities are enabled through CCZ-P1 and CCZ-R3.
170. With respect to the Kāinga Ora submission points [391.693, 391.694] I recognise that the submitter seeks the removal of the reference to medium density development on the basis that only high density development should be encouraged in the CCZ. I understand the intent of this submission point, particularly recognising the NPS-UD’s policy 3(a) directive to have *‘building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of this intensification’*²⁶.
171. I agree with the submitter that medium density in the CCZ would be inefficient and that high-density is the preference for the City’s most intensified zone and the best way to accommodate anticipated growth. I note the National Planning Standards zone description for the CCZ does not describe the bulk, heights and form anticipated for the zone, instead noting it is an area *‘used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is the main centre for the district or region.’*²⁷
172. The National Planning Standards do detail the anticipated built form anticipated in the MRZ and HRZ as shown in table one below. Based on the description for HRZ, I am satisfied that only High Density should be referred to in the CCZ.

Table 1: Showing the descriptions under the National Planning Standards for HRZ and MRZ

²⁶ [National Policy Statement on Urban Development](#), May 2020

²⁷ [National Planning Standards](#), November 2019

Medium density residential zone	Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.
High density residential zone	Areas used predominantly for residential activities with high concentration and bulk of buildings, such as apartments, and other compatible activities.

173. The CCZ's strong policy direction, rule hooks and mechanisms in the standards require more efficient optimisation of CCZ sites and provision of a high level of density. An example of this being CCZ-S4 minimum building height requirement.
174. However, I acknowledge that in some very limited cases there may be compelling rationale for where a site needs to be developed to a lower density i.e. to the minimum building height threshold or lower for reasons such as natural hazard risk, ground stability etc. As such, medium density development would be proposed in these instances.
175. While I consider that lower-density development is not a desirable outcome with regard to development capacity, optimisation of prime CCZ land, streetscape, built form etc, these matters would be assessed by Council's consent planners as a Discretionary Activity under CCZ-R20.3. This would be weighed up as part of the resource consent application process.
176. CCZ-O2 clause one seeks to encourage a choice of building type, size, affordability and distribution. High density housing is the best option to achieve sufficient choice for housing in the CCZ. However, I disagree with the suggested replacement of 'housing' with the term 'residential living' as the suggested term is not used elsewhere or defined in the PDP. From a consistency perspective I therefore do not support this change.

Summary of recommendations

177. HS4-P1-CCZ-Rec13: That submission points relating to CCZ-O2 (Accommodating growth) are accepted/rejected as detailed in Appendix B.
178. HS4-P1-CCZ-Rec14: That CCZ-O2 (Accommodating growth) be amended as follows:

CCZ-O2	<p>Accommodating growth</p> <p>The City Centre Zone plays a significant role in accommodating residential, business and supporting community service growth, and has sufficient serviced development capacity and additional infrastructure to meet its short, medium and long term residential and business growth needs, including:</p> <ol style="list-style-type: none"> 1. A choice-variety of building type, size, affordability and distribution, including forms of medium-and high-density housing; 2. Convenient access to active and public transport activity options; 3. Efficient, well integrated and strategic use of available development sites; and 4. Convenient access to a range of open space, including green space, and supporting commercial activity and community facility options.
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CCZ-O3 – Urban Form and Scale (ISPP)

Matters raised by submitters

179. Argosy [383.94], Kāinga Ora [391.695], Oyster Management Limited [404.48], Paul Burnaby [44.6], Precinct Properties NZ [139.28], Restaurant Brands Limited [349.175], Willis Bond [416.143] and Z Energy Limited [361.98] seek to retain CCZ-O3 as notified.

Summary of recommendations

180. HS4-P1-CCZ-Rec15: That submission points relating to CCZ-O3 (Urban form and scale) are accepted as detailed in Appendix B.
181. HS4-P1-CCZ-Rec16: That CCZ-O3 (Urban form and scale) be confirmed as notified.

CCZ-O4 – Ahi Kā (ISPP)

Matters raised by submitters

182. Argosy [383.95], Kāinga Ora [391.696], Oyster Management Limited [404.49], Restaurant Brands Limited [349.176], Taranaki Whānui [389.98], VicLabour [414.42] and Z Energy Limited [361.99] seek to retain CCZ-O4 as notified.
183. Te Rūnanga o Toa Rangatira [488.81] seek that CCZ-O4 is amended to provide for partnership with mana whenua in terms of development.

Assessment

184. I acknowledge the submission points in support of the objective [383.95, 391.696, 404.49, 349.176, 389.98, 414.42, 361.99].
185. In response to the submission from Te Rūnanga o Toa Rangatira [488.81], I consider the CCZ gives effect to the Anga Whakamua strategic directions and partnership with mana whenua through the PDP CCZ-O4 Ahi Kā and CCZ-P7 Ahi Kā wording. CCZ-O4 and CCZ-P7 note that Taranaki Whānui and Ngāti Toa Rangatira are acknowledged as the mana whenua of Te Whanganui ā Tara (Wellington) and their cultural associations, landowner and development interests are recognised in the planning and development of the CCZ.

Summary of recommendations

186. HS4-P1-CCZ-Rec17: That submission points relating to CCZ-O4 (Ahi Kā) are accepted/rejected as detailed in Appendix B.
187. HS4-P1-CCZ-Rec18: That CCZ-O4 (Ahi Kā) is retained as notified.

CCZ-O5 – Amenity and Design (ISPP)

Matters raised by submitters

188. Argosy [383.96], FENZ [273.309], Oyster Management Limited [404.50], Paul Burnaby [44.7], Restaurant Brands Limited [349.177], Taranaki Whānui [389.99], WCC Environmental Reference Group [377.476 (supported by Wellington Civic Trust FS83.29)], Wellington Heritage Professionals [412.80] and Z Energy Limited [361.100] seek that CCZ-O5 is retained as notified.
189. Kāinga Ora [391.697 and 391.698 (supported by Waka Kotahi FS103.23)] seek that CCZ-O5 is amended as follows to balance the need to contribute to the amenity of neighbouring

residential areas while achieving anticipated built form in accordance with the NPS-UD:

CCZ-O5 (Amenity and design)

Development in the City Centre Zone positively contributes to creating a high quality, well-functioning urban environment, including:

...

4. Contributing to the general amenity of neighbouring residential areas while achieving the anticipated urban form of each zone;

190. Willis Bond [416.144] considers the requirement to acknowledge and respond to heritage buildings and areas should only apply where those heritage areas immediately adjoin the relevant development. The submitter seeks the following changes:

CCZ-O5 (Amenity and design)

Development in the City Centre Zone positively contributes to creating a high quality, well-functioning urban environment, including:

...

7. Acknowledging and sensitively responding to immediately adjoining heritage buildings, heritage areas and areas and sites of significance to Māori....

Assessment

191. I acknowledge the submission points in support of the objective [383.96, 404.50, 44.7, 349.177, 389.99, 377.476, FS83.29, 412.80, 361.100].

192. Regarding the submission from Kāinga Ora [391.697, 391.698], I consider that given the CCZ is the most intensified zone in the City, and the NPS-UD Policy 6(a)(i) direction, I agree with the proposed change. This does not take away from my belief that there still needs to be a balanced approach in the CCZ in enabling development capacity but also providing for on-site, adjacent and public amenity as far as practicable. This is why there is still a strong focus on amenity in the CCZ and this includes standards looking to enhance on-site, adjacent and public amenity including:

- CCZ-S6 Minimum sunlight access to public spaces;
- CCZ-S9 Minimum residential – unit size;
- CCZ-S10 Residential – outdoor living space;
- CCZ-S11 Minimum building separation distance;
- CCZ-S12 Maximum building depth; and
- CCZ-S13 Outlook space.

193. However, as NPS-UD Policy 6(a)(i) notes, decisions around built form outcomes may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increase and varied housing densities and types. I consider the submitter's suggested changes effectively provide for this.

194. In response to the submission from Willis Bond [416.44], I do not consider this addition is necessary. In my view, the term ‘adjoining’ already means those that are only immediately adjoining, as such I consider the suggested change to be redundant.

Summary of recommendations

195. HS4-P1-CCZ-Rec19: That submission points relating to CCZ-05 (Amenity and design) are accepted/rejected as detailed in Appendix B.

196. HS4-P1-CCZ-Rec20: That CCZ-05 (Amenity and design) be amended as follows:

CCZ-05	<p>Amenity and design</p> <p>Development in the City Centre Zone positively contributes to creating a high quality, well-functioning urban environment, including:</p> <ol style="list-style-type: none"> 1. Reinforcing the City Centre Zone’s distinctive sense of place; 2. Providing a quality and level of public and private amenity in the City Centre Zone that evolves and positively responds to anticipated growth and the diverse and changing needs of residents, businesses and visitors; 3. Maintaining and enhancing the amenity and safety of public space; 4. Contributing to the general amenity of neighbouring residential areas <u>while achieving the anticipated urban form of the City Centre Zone</u>; 5. Producing a resilient urban environment that effectively adapts and responds to natural hazard risks and the effects of climate change; 6. Protecting current areas of open space, including green space, and providing greater choice of space for residents, workers and visitors to enjoy, recreate and shelter from the weather; and 7. Acknowledging and sensitively responding to adjoining heritage buildings, heritage areas and areas and sites of significance to Māori.
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CCZ-06 – Development near rapid transit (ISPP)

Matters raised by submitters

197. Argosy [383.97], Kāinga Ora [391.699], Oyster Management Limited [404.51], Paul Burnaby [44.8], Restaurant Brands Limited [349.178], and Z Energy Limited [361.101] seek to retain the objective as notified.

Summary of recommendations

198. HS4-P1-CCZ-Rec21: That submission points relating to CCZ-06 (Development near rapid transit) are accepted as detailed in Appendix B.

199. HS4-P1-CCZ-Rec22: That CCZ-06 (Development near rapid transit) be confirmed as notified.

CCZ-07 – Managing adverse effects (ISPP)

Matters raised by submitters

200. Argosy [383.98], Oyster Management Limited [404.52], Restaurant Brands Limited [349.179],

Taranaki Whānui [389.100] and Z Energy Limited [361.102] seek CCZ-07 be retained as notified.

201. Kāinga Ora [391.700 and 391.701] seeks that the objective be amended to recognise that adverse effects do not include significant changes to an area anticipated by the planned urban built form. The amendments sought are as follows:

CCZ-07 (Managing adverse effects)

Adverse effects of activities and development beyond the planned urban built form anticipated in the City Centre Zone are managed effectively both:

...

202. Willis Bond [416.145] considers that the reference to ‘interfaces’ is too broad and could refer to an indeterminate area. Willis Bond seeks the following changes:

CCZ-07 (Managing adverse effects)

Adverse effects of activities and development in the City Centre Zone are managed effectively both:

1. Within the City Centre Zone; and

2. ~~At interfaces with~~ Where such activities or development immediately adjoin:

...

Assessment

203. I acknowledge the submission points in support of the objective [383.98, 404.52, 349.179, 389.100, 361.102].
204. I disagree with Kāinga Ora [391.700 and 391.701] that the objective should only allow for consideration of effects ‘beyond the planned urban built form anticipated in the City Centre Zone’. I consider that this change is inappropriate as it would effectively build a permitted baseline test into the policy, which arguably should remain at the discretion of the resource consent planner. I consider that this phrasing should not be used in the CCZ (or other zones) planning framework.
205. I also consider there are sufficient objectives focused on intensification, density and built form, and this objective should purely focus on managing adverse effects as its counterpart does in the ODP.
206. I also disagree with the submission point from Willis Bond [416.145]. As detailed in paragraph 194 of this report, the use of the term ‘adjoining’ (not ‘immediately adjoining’), might be appropriate for managing adverse effects next to some things like zones, heritage buildings, and heritage. However, this is not the case for all matters to be protected in the CCZ. In particular, ‘adjoining’ is not sufficient to manage adverse effects on the sunlight access of listed public spaces under Appendix 9 as per CCZ-S6.
207. This is because it is not just the site adjoining the public space that could cause shading effects on the public space, but quite possibly all the other sites in the block to the north of the park and potentially even further than this as Council modelling has demonstrated in section 12.4.1 of Appendix 3 of the CCZ, WFZ, STADZ and Te Ngākau S32 report. Page 268 of this S32 notes that:
- The Council’s GIS and District Plan team attempted to understand if they could identify specific sites surrounding these public spaces that would be directly impacted by the control should they be developed, rather than the public spaces themselves. However,

this required extensive time and resourcing to achieve this, which unfortunately the Council staff could not undertake due to timeframes required to notify the PDP.

- This specific control is something that Council staff intend to map in the future. It would require a fan-type identification of all sites where buildings could potentially impact the sunlight to adjacent parks during the time periods identified in the Plan. The identification would need to account for height limits being exceeded through the City Outcomes Contribution mechanism.
- For now, the PDP CCZ-S6 applies the control to all sites in the CCZ. Should developers wish to develop their site they will need to undertake shading analysis as part of their resource consent application to show their compliance with these standards.

Summary of recommendations

208. HS4-P1-CCZ-Rec23: That submission points relating to CCZ-O7 (Managing adverse effects) are accepted/rejected as detailed in Appendix B.
209. HS4-P1-CCZ-Rec24: That CCZ-O7 (Managing adverse effects) be confirmed as notified.

CCZ-P1 – Enabled Activities (P1 Sch1)

Matters raised by submitters

210. Corrections [240.57 and 240.58], Argosy [383.99], FENZ [273.310], Oyster Management Limited [404.53], Precinct Properties [139.29], Restaurant Brands Limited [349.180], Taranaki Whānui [389.101] and Z Energy Limited [361.103] seek to retain CCZ-P1 as notified.
211. Parliamentary Service [375.12, 375.15 and 375.16] seek CCZ-P1 be amended to specifically provide for parliamentary activities to occur within the CCZ. The submitter notes it is not clear which (if any) of the listed activities ‘parliamentary activities’ would fall within. The changes sought by the submitter are shown below:

CCZ-P1 (Enabled Activities)

Enable a range and diversity of activities that support the purpose and ongoing viability of the City Centre Zone and enhances its vibrancy and amenity, including:

1. Commercial activities;
- ...
11. Repair and maintenance service activities; ~~and~~
12. Recreation activities; and
13. Parliamentary activities.

212. Stratum Management Limited [249.33] seek that the Policy include residential at ground level to match subsequent provisions such as CCZ-P6 (Adaptive use) and CCZR-12 (Residential activities). The submitter seeks the following changes:

CCZ-P1 (Enabled Activities)

Enable a range and diversity of activities that support the purpose and ongoing viability of the City Centre Zone and enhances its vibrancy and amenity, including:

...

2. Residential activities, except:

a. At ground level along any street...

b. At ground level on any site...

...

213. Kāinga Ora [391.702 and 391.703] considers CCZ-P1 should be amended to remove specifics about activities that should be restricted and should instead recognise that residential activities are generally enabled under the Policy. They further consider that Policy CCZ-P2 provides specifics about activities that should be restricted. The submitter seeks the following changes:

CCZ-P1 (Enabled Activities)

Enable a range and diversity of activities that support the purpose and ongoing viability of the City Centre Zone and enhances its vibrancy and amenity, including:

1. Commercial activities;

2. Residential activities, ~~except;~~

~~a. Along any street subject to active frontage and/or verandah coverage requirements;~~

~~b. On any site subject to an identified natural hazard risk;~~

...

214. If the definition of "supported residential care activity" is retained, Corrections [240.58 and 240.59] seeks the policy be amended as follows:

CCZ-P1 Enabled Activities

Enable a range and diversity of activities that support the purpose and ongoing viability of the City Centre Zone and enhances its vibrancy and amenity, including:

1. Commercial activities;

2. Residential activities and supported residential care activities, except;

a. Along any street subject to active frontage and/or veranda coverage requirements;

b. On any site subject to an identified natural hazard risk; ...

Assessment

215. I acknowledge the submission points in support of the policy [240.57, 240.58, 383.99, 273.310, 404.53, 139.29, 349.180, 389.101, 361.103].
216. Regarding the submission from Parliamentary Services [375.15, 375.16], I agree that 'parliamentary activities' should be added to the list of enabled activities. The Parliamentary Precinct is within the CCZ and should enable activities carried out by Parliament. I direct Parliamentary Services to my recommended amendments to CCZ-P1 in HS4-P1-CCZ-Rec3, where I have recommended that parliamentary activities, government activities and civic activities all be added to CCZ-P1 to provide for these activities within the zone.
217. In response to the submission from Stratum Management Limited [249.22] I agree that the policy should be consistent with what is permitted through CCZ-R12. I recommend that the suggested

change from Stratum Management Limited is altered slightly to be consistent with the rule framework.

218. Regarding the submission from Kāinga Ora [391.702, 391.703] I agree in part. I agree that the exception for natural hazard risk should be removed from CCZ-P1 as I consider that this is sufficiently provided for within the Natural Hazard and Coastal Hazard chapter’s rule frameworks. However, I do not agree that the exception for active frontages and verandahs should be removed from CCZ-P1. I consider it is clearer that the exceptions to the enabled activities are outlined in CCZ-P1 as well as being listed as potentially incompatible activities in CCZ-P2.
219. In response to the submission from Corrections [240.58, 240.59], I note that in 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 I also support. This satisfies Corrections submission point, and no change is needed to the CCZ provisions as a result.

Summary of recommendations

220. HS4-P1-CCZ-Rec25: That submission points relating to CCZ-P1 (Enabled activities) are accepted/rejected as detailed in Appendix B.
221. HS4-P1-CCZ-Rec26: That CCZ-P1 (Enabled activities) be amended as follows:

CCZ-P1	<p>Enabled activities</p> <p>Enable a range and diversity of activities that support the purpose and ongoing viability of the City Centre Zone and enhances its vibrancy and amenity, including:</p> <ol style="list-style-type: none"> 1. Commercial activities; 2. Residential activities, except located; <ol style="list-style-type: none"> a. Above ground floor level; or b. At ground floor level aAlong any street <u>not</u> subject to active frontage and/or verandah coverage requirements.; c. on any site subject to an identified natural hazard risk; 3. Community facilities; 4. Educational facilities; 5. Arts, culture and entertainment activities; 6. Emergency service facilities; 7. Marae activities; 8. Community corrections activities; 9. Public transport activities; 10. Visitor accommodation; 11. Repair and maintenance service activities; and 12. Recreation activities; 13. <u>Parliamentary activities;</u> 14. <u>Government activities; and</u> 15. <u>Civic activities.</u>
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CCZ-P2 – Potentially Incompatible Activities (P1 Sch1)

Matters raised by submitters

222. Argosy [383.100 (opposed by Foodstuffs North Island FS23.59)], Ministry of Education [400.144], Oyster Management Limited [404.54 (opposed by Foodstuffs North Island FS23.58)], Restaurant Brands Limited [349.181 (opposed by Foodstuffs North Island FS23.57)] and VUWSA [123.58] seek to retain CCZ-P2 as notified.

223. McDonald's [274.56, 274.57] generally supports the objectives and policies of the CCZ and the enablement of commercial activities. The submitter opposes all ground level parking being considered as a potentially incompatible activity. They seek that 'Carparking at ground level' be amended to 'Carparking visible at the street edge or public space'. Foodstuffs [23.94 (opposed by GWRC FS84.101)] also opposes all ground floor level car parking being considered as a potentially incompatible activity in the CCZ. Both submitters seek the following changes:

CCZ-P2 (Potentially incompatible activities)

Only allow activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy and amenity. Potentially incompatible activities include:

...

3. Carparking at ground level visible at the street edge or public space;

...

224. The Retirement Villages Association [350.288, 350.289] opposes restriction on retirement villages being established at ground floor level and seeks to remove clause (5) of CCZ-P2 as notified.

225. Woolworths [359.84] considers activities under CCZ-P2 to be accommodated in the zone if there is a functional and operational need, and effects on the Centre are managed. The submitter seeks the following changes:

CCZ-P2 (Potentially incompatible activities)

~~Only a~~ Allow activities that are potentially incompatible with the purpose of the City Centre Zone, where they demonstrate an operational or functional need to locate within the zone; or will not have an unacceptable adverse effect on its vitality, vibrancy and amenity. ~~Potentially incompatible activities include:~~

~~1. Industrial activities;~~

~~2. Yard-based retail activities;~~

~~3. Carparking visible at street edge along an active frontage or non-residential activity frontage;~~

~~4. Demolition of buildings that results in the creation of vacant land;~~

~~5. Ground floor residential activities on street edges identified as having an active frontage or non-residential activity frontage; and~~

~~6. Yard-based retail activities.~~

226. Z Energy Limited [361.104 and 361.105] considers that CCZ-P2 is too specific and seeks to retain the Policy with minor amendments as follows:

CCZ-P2 (Potentially incompatible activities)

Only allow new activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy and amenity. Potentially incompatible activities include:

1. Industrial activities;

2. Some yard-based retail activities;

3. Carparking at ground level;

4. Demolition of buildings that result in the creation of vacant land; and

5. Ground floor residential activities on streets identified as having either an active frontage or verandah coverage and in any identified hazard risk areas.

227. WCC Environmental Reference Group [377.479 (supported by Waka Kotahi FS103.24)] seeks CCZ-

P2 place an emphasis on walkability, sustainability, and climate change and requests changes as follows:

CCZ-P2 (Potentially incompatible activities)

Only allow activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy, ~~and amenity~~, walkability, climate change and earthquake resilience or ease of public transport access and use. Potentially incompatible activities include:

...

228. Kāinga Ora [391.704, 391.705] seeks to amend the Policy to provide for ground floor residential activities that are not visible from streets. They further consider that identified hazard risk should be removed as it is addressed in the natural hazards chapter. The following changes are sought:

CCZ-P2 (Potentially incompatible activities)

Only allow activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy and amenity. Potentially incompatible activities include:

...

5. Ground floor residential activities that are visible on streets identified as requiring either an active frontage or verandah coverage ~~and sites subject to an identified hazard risk~~.

229. Willis Bond [416.150 (supported by Foodstuffs FS23.94)] considers that carparking at ground level should only be a potentially incompatible activity where it occurs along building frontages and seeks the following amendment:

CCZ-P2 (Potentially incompatible activities)

Only allow activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy and amenity. Potentially incompatible activities include:

1. Industrial activities;
2. Yard-based retail activities;
3. Carparking at ground level where it occurs along building frontages;

Assessment

230. I acknowledge the submission points in support of the policy [383.100, FS23.59, 400.144, 404.54, FS23.58, 349.181, FS23.57, 123.58].
231. In response to the submission from McDonald's [274.56, 274.57] and Foodstuffs [23.94 (opposed by GWRC F84.101)] seeking an amendment to change the potentially incompatible activity to specify 'carparking visible at the street edge or public space', I do not agree that this change is necessary. CCZ-P2 is notes that carparking at ground level is a 'potentially' incompatible activity, and CCZ-R14 further details circumstances when carparking at ground level will be a permitted activity.
232. Regarding the request from the Retirement Villages Association [350.288, 350.289] to remove CCZ-P2.5 I agree in part in so far as I consider that the reference to 'and sites subject to an identified hazard risk' is sufficiently addressed through the Natural Hazard and Coastal Hazard chapters rule framework and as such I consider that this can be removed from CCZ-P2. Clause 5's references to active frontages and verandahs of CCZ-P2 aligns with CCZ-P1 and CCZ-R12

residential activity requirements. This clause is targeted at all residential activities not just retirement villages and is a deliberate focus to enable more residential activity at ground level than provided in the ODP, but not where there is a verandah or active frontage control. This is for numerous reasons including urban design, streetscape etc.

- 233. Woolworths [359.84] has suggested amendments to the policy to allow for demonstration of operational or functional need. I do not agree with their changes. CCZ-P2 reflects the associated rules for activities which do not fall within CCZ-P1 enabled activities grouping. As such I consider that Foodstuff’s proposed changes undermine the intent of CCZ-P2 ‘potentially incompatible activities’ and also the associated activity status of the respective activities. These changes to my mind read as if they are enabled/permitted activities, and this is not the case.
- 234. I note that resource consent is needed for these activities to ensure their effects are properly assessed and to ensure this activity is appropriate for the site and whether it aligns with the CCZ’s purpose. I also disagree with the deletion of the six matters under the policy, as these provide clarity as to what activities are potentially incompatible.
- 235. I disagree with the proposed amendments to CCZ-P2 from Z Energy [361.104, 361.105]. With regards to their ‘new’ reference, I note that the policy will only apply to new buildings and activities. I also disagree with the addition of the word ‘some’ as this creates ambiguity and uncertainty for plan readers, applicants and consent planners as to which activities are included. I note that the policy is about ‘potentially’ incompatible activities of which are not a permitted activity and thus need a resource consent to determine if this activity is appropriate for the site and whether it aligns with the CCZ’s purpose.
- 236. I understand the intent of and concerns raised in WCC Environmental Reference Group’s submission point [377.479]. I do not consider that all these proposed changes are appropriate to include in CCZ-P2 as this list of changes is overly prescriptive and it is not clear how the list of potentially incompatible activities in CCZ-P2 would have an effect on all the items that the submitter lists. However, I consider that there is merit with reference to the resilience to climate change and natural hazards and accessibility within the zone.
- 237. I disagree with the submission points from Kāinga Ora [391.704, 391.705] and I do not recommend that these changes are made. The exclusions in CCZ-P1, CCZ-P2 and CCZ-R14 for residential activities that are incompatible are not just about visibility on the street edge. I consider that there is sufficient alternative areas of the CCZ where residential activity at ground floor has been enabled and considered appropriate.
- 238. As I note in paragraph 234 clause 5 of CCZ-P2 aligns with CCZ-P1 and CCZ-R12 residential activity requirements. This clause provides a deliberate focus to enable more residential activity at ground level than provided in the ODP, but not where there is a verandah or active frontage control. This is for numerous reasons including urban design, streetscape etc.
- 239. With respect to the Willis Bond submission [416.150 (supported by FS23.94)], I do not recommend the relief sought which would mean that car-parking could occur along the frontages of sites where no buildings were constructed. This would result in a streetscape outcome along active and non-residential activity frontage that the District Plan is trying to avoid.

Summary of recommendations

- 240. HS4-P1-CCZ-Rec27: That submission points relating to CCZ-P2 (Potentially incompatible activities) are accepted/rejected as detailed in Appendix B.
- 241. HS4-P1-CCZ-Rec28: That CCZ-P2 (Potentially incompatible activities) be amended as follows:

CCZ-P2	Potentially incompatible activities
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	<p>Only allow activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy, and amenity, resilience and accessibility. Potentially incompatible activities include:</p> <ol style="list-style-type: none"> 1. Industrial activities; 2. Yard-based retail activities; 3. Carparking at ground level; 4. Demolition of buildings that results in the creation of vacant land; and 5. Ground floor residential activities on streets identified as requiring either an active frontage or verandah coverage and sites subject to an identified hazard risk.
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CCZ-P3 – Heavy Industrial Activities (P1 Sch1)

Matters raised by submitters

242. Argosy [383.101], Kāinga Ora [391.706], Oyster Management Limited [404.55] Restaurant Brands Limited [349.182] and Z Energy Limited [361.106] seek to retain CCZ-P3 as notified.

Summary of recommendations

243. HS4-P1-CCZ-Rec29: That submission points relating to CCZ-P3 (Heavy industrial activities) are accepted/rejected as detailed in Appendix B.

244. HS4-P1-CCZ-Rec30: That CCZ-P3 (Heavy industrial activities) be confirmed as notified.

CCZ-P4 – Housing Choice (ISPP)

Matters raised by submitters

245. Argosy [383.102], Oyster Management Limited [404.56], Paul Burnaby [44.9], Restaurant Brands Limited [349.183], Stratum Management Limited [249.23], Willis Bond [416.151] and Z Energy Limited [361.107] seek to retain CCZ-P4 as notified.

246. Disabled Persons Assembly New Zealand Incorporated [343.11] seek to replace the term ‘abilities’ with ‘impairments’. The submitter notes that using the term ‘abilities’ to refer to disabled people is regarded as euphemistic by many within the disabled community.

247. Kāinga Ora [391.707 and 391.708] seek amendment to recognise that tenures should not be managed through the District Plan. They consider the focus should be on providing for the level of the activity and building form that is appropriate for a City Centre. The following amendments are sought:

CCZ-P4 (Housing choice)

Housing choice Enable high density, good quality residential development that:

1. Contributes towards accommodating anticipated growth in the city; and
2. Offers a range of housing price, type, and size ~~and tenure~~ that is accessible to people of all ages, lifestyles, cultures and abilities.

248. The Retirement Villages Association [350.290 and 350.291] supports CCZ-P4 and its enabling of high density, good quality residential development, however acknowledges that each individual

development will not offer a range in those matters listed in CCZ-P4.2. The submitter seeks the following changes:

CCZ-P4 (Housing choice)

Housing choice Enable high density, good quality residential development that:

1. Contributes towards accommodating anticipated growth in the city; and
2. ~~Offers~~ Contributes to a range of housing price, type, size and tenure that is accessible to people of all ages, lifestyles, cultures and abilities.

Assessment

249. I acknowledge the submission points in support of the policy [383.102, 404.56, 44.9, 349.183, 249.23, 416.151, 361.107].
250. In response to the submission from Disabled Persons Assembly New Zealand Incorporated [343.11], I agree that the term ‘impairments’ should be included in in CCZ-P4.2. However, I consider abilities should also be retained. I take the Disabled Persons Assembly New Zealand Incorporated’s advice on terminology as a representative for the disabled community.
251. Regarding the submission from Kāinga Ora [391.707, 391.708], CCZ-P4 seeks that a range of housing is supplied in the CCZ, but is not prescriptive in that there is no implicit requirement to provide this range within each development. As such, I consider that CCZ-P4.2 should be retained, including the reference to tenure. Further to this, I see no reason why a range of tenures should not be available within the CCZ. Tenure is relevant if a developer applies for City Outcome Contribution points by providing assisted housing, as tenure is a consideration in assessing if the Assisted Housing definition is met.
252. I note tenure has been included to ensure that the policy also focuses on a range of housing types and sizes for renters, giving renters sufficient choice rather than just those seeking to buy. I consider that Kāinga Ora have not provided compelling evidence or s32AA assessment to support removal of ‘tenure’ and why ‘tenures’ should not be managed through the District Plan. As such I disagree with the submitter’s changes.
253. The Retirement Villages of New Zealand [350.290, 350.291] requests that the word ‘Offers’ is changed to ‘Contributes to’ at CCZ-P4.2. As noted above in paragraph 254, it is not expected that each development will be able to provide all the matters detailed in clause 2 of CCZ-P4. However, I agree with the submitter that ‘contributes’ is a better term to use in this case.

Summary of recommendations

254. HS4-P1-CCZ-Rec31: That submission points relating to CCZ-P4 (Housing choice) are accepted/rejected as detailed in Appendix B.
255. HS4-P1-CCZ-Rec32: That CCZ-P4 (Housing choice) be amended as follows:

CCZ-P4	<p>Housing choice</p> <p>Enable high density, good quality residential development that:</p> <ol style="list-style-type: none"> 1. Contributes towards accommodating anticipated growth in the city; and 2. Offers <u>Contributes to</u> a range of housing price, type, size and tenure that is accessible to people of all ages, lifestyles, cultures, <u>impairments</u> and abilities.
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CCZ-P5 – Urban Form and Scale (ISPP)

Matters raised by submitters

256. Argosy [383.103], Kāinga Ora [391.709], Oyster Management Limited [404.57], Paul Burnaby [44.10], Precinct Properties NZ [139.30], Restaurant Brands Limited [349.184], the Retirement Villages Association [350.292], Stratum Management Limited [249.24], Willis Bond [416.152] and Z Energy Limited [361.108] seek to retain CCZ-P5 as notified.

Summary of recommendations

257. HS4-P1-CCZ-Rec33: That submission points relating to CCZ-P5 (Urban form and scale) are accepted/rejected as detailed in Appendix B.
258. HS4-P1-CCZ-Rec34: That CCZ-P5 (Urban form and scale) be confirmed as notified.

CCZ-P6 – Adaptive Use (ISPP)

Matters raised by submitters

259. Argosy [383.104], Oyster Management Limited [404.58], Restaurant Brands Limited [349.185] and Z Energy Limited [361.109] seek to retain CCZ-P6 as notified.
260. Kāinga Ora [391.710 and 391.711] seeks amendments that recognise that ground floor residential activities may be appropriate where they are located at ground floor level but not fronting active streets. They consider that not all hazards would restrict residential activities from locating at ground floor. The changes sought by the submitter are as follows:

CCZ-P6 (Adaptive use)

Encourage new development and redevelopment in the City Centre Zone that is sustainable, resilient and adaptable to change in use over time, including enabling:

1. Sufficient flexibility for ground floor space to be used and converted for a range of activities; and
2. Residential activities at ground floor level along fronting streets that are not subject to active frontage and/or verandah coverage requirements and sites free of any identified natural hazard risk.

261. Willis Bond [416.153] seeks to delete CCZ-P6 entirely. The submitter notes that adaptive reuse is already effectively controlled through market mechanisms and sustainability requirements and rating tools, which reward reuse.

Assessment

262. I acknowledge the submission points in support of the policy [383.104, 404.58, 349.185, 361.109].
263. Regarding the submission from Kāinga Ora [391.710 and 391.711], I agree in part. I do not consider this change to 'frontage' is appropriate as there is no definition of 'frontage' and it could create ambiguity with implementation at the resource consent stage. I do not consider that the submitter has provided compelling evidence to support this change from 'along' to 'fronting'. I note that this policy is about enabling residential activity where these controls apply, as opposed to CCZ-P2 which notes residential activity along streets where these specific controls apply is considered potentially incompatible. An applicant can apply for a resource consent to do residential activity within these controls and the effects and risks of doing so gets assessed

through the resource consent process.

264. However, I agree with the amendment to remove the text regarding the sites being free of any identified natural hazards. I consider that the reference to 'and sites subject to an identified hazard risk' is sufficiently addressed through the Natural Hazard and Coastal Hazard chapters rule framework and as such I consider that this can be removed from CCZ-P6.
265. In response to the submission from Willis Bond [416.153], I consider CCZ-P6 is appropriate to provide direction of adaptive reuse in the CCZ, including where ground floor flexibility is enabled. Colliers and Sense Partner's Retail and Market Assessment 2020²⁸ on page 2 identified that within the CCZ it is expected that there are to be more conversions from office space to residential, noting a growing housing shortage will make office to residential conversion projects increasingly viable. In particular, the report notes that low-grade office buildings, which have become financially unviable, are prime conversion targets, particularly in areas with high residential demand such as Te Aro.
266. As Dr Lees notes in section 5.2²⁹ of his statement of evidence, conversions within Wellington face issues with regards to office buildings tending to have deeper floor plates, natural light can be hard to access, and utilities are typically centralised. This makes it challenging for adaptive reuse. Office buildings are rarely built to accommodate a multitude of future needs, so conversions can carry substantial costs. As such I consider it is important that CCZ-P6 has a policy hook and CCZ-21 determines it to be a restricted discretionary activity to ensure that conversions give effect to on-site amenity requirements such as minimum unit size.
267. Dr Lees notes that presently there are a limited number of developers pursuing conversion of office buildings to residential apartments in the CCZ, noting that there may be a case that housing pressures are not higher than commercial pressures. However, advises that providing for this flexibility in use between residential and commercial is a good thing, as it allows the city to flex and respond to demand pressures. Dr Lees furthers that an underappreciated feature of office conversion is the impact on land and house prices. By accommodating people closer to the city centre, the price of land at the edge of the city declines, improving housing affordability not just in town but at the margins also.
268. I note that CCZ-P6 references flexibility for ground floor space and residential activities at ground floor being enabled where specific controls do not apply. These are existing ODP controls to ensure good outcomes for building use and future adaptive reuse, as well as ensuring good on-site amenity and design outcomes. As such I consider CCZ-P6 should be retained.

Summary of recommendations

269. HS4-P1-CCZ-Rec35: That submission points relating to CCZ-P6 (Adaptive use) are accepted/rejected as detailed in Appendix B.
270. HS4-P1-CCZ-Rec36: That CCZ-P6 (Adaptive use) be amended as follows:

²⁸ Colliers International and Sense Partners, [Retail and Market Assessment](#), November 2020

²⁹ Dr Lees, [Hearing Stream 4 Statement of Evidence](#), May 2023

CC-P6	<p>Adaptive Use</p> <p>Encourage new development and redevelopment in the City Centre Zone that is sustainable, resilient and adaptable to change in use over time, including enabling:</p> <ol style="list-style-type: none"> 1. Sufficient flexibility for ground floor space to be used and converted for a range of activities; and 2. Residential activities at ground floor level along streets that are not subject to active frontage and/or verandah coverage requirements and sites free of any identified natural hazard risk.
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CCZ-P7 – Ahi Kā (P1 Sch1)

Matters raised by submitters

271. Argosy [383.105], Kāinga Ora [391.712], Oyster Management Limited [404.59], Restaurant Brands Limited [349.186], Taranaki Whānui [389.102], Te Rūnanga o Toa Rangatira [488.82], VicLabour [414.43] and Z Energy Limited [361.110] seek to retain CCZ-P7 as notified.

Summary of recommendations

272. HS4-P1-CCZ-Rec37: That submission points relating to CCZ-P7 (Ahi Kā) are accepted/rejected as detailed in Appendix B.
273. HS4-P1-CCZ-Rec38: That CCZ-P7 (Ahi Kā) be confirmed as notified.

CCZ-P8 – Sense of Place (ISPP)

Matters raised by submitters

274. Argosy [383.106], Disabled Persons Assembly New Zealand Incorporated [343.12], Kāinga Ora [391.713], Oyster Management Limited [404.60], Paul Burnaby [44.11], Restaurant Brands Limited [349.187], Taranaki Whānui [389.103], Willis Bond [416.154] and Z Energy Limited [361.111] seek to retain CCZ-P8 as notified.

Summary of recommendations

275. HS4-P1-CCZ-Rec39: That submission points relating to CCZ-P8 (Sense of place) are accepted/rejected as detailed in Appendix B.
276. HS4-P1-CCZ-Rec40: That CCZ-P8 (Sense of place) be confirmed as notified.

CCZ-P9 – Quality Design Outcomes (ISPP)

Matters raised by submitters

1. Paul Burnaby [44.12], the Retirement Villages Association [350.293], Taranaki Whānui [389.104], Wellington Heritage Professionals [412.81], Argosy [383.107 (opposed by Foodstuffs FS23.62)], Oyster Management Limited [404.61 (opposed by Foodstuffs FS23.61)] and

Restaurant Brands Limited [349.188 (opposed by Foodstuffs FS23.60)] seek to retain CCZ-P9 as notified.

2. FENZ [273.311 and 273.312] considers access for emergency service vehicles as a critical consideration of the design and layout of new developments. They seek the inclusion of a further matter under this policy. The submitter seeks the following changes to the policy:

CCZ-P9 (Quality design outcomes)

Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of City Centre Zone by:

1. Recognising the benefits of well-designed, comprehensive, development, including the extent to which the development:

...

- c. Provides for the increased levels of residential accommodation anticipated; and
- d. Provides for a range of supporting business, open space and community facilities; and
- e. Is accessible for emergency service vehicles; and

...

3. Foodstuffs [476.50 and 476.51] and McDonald's [274.58 and 274.59] seek that CCZ-P9 be amended to recognise the functional and operational requirements of activities and development.
4. Willis Bond [416.155, 416.156 and 416.157 (opposed by Foodstuffs FS23.95 and FS23.96)] supports CCZ-P9 in part and seeks that it be amended to ensure it is succinct, focused and does not cover the same ground as other policies. If the Design Guides are retained, they seek that CCZ-P9 be reviewed for overlap with the Design Guides.
5. Z Energy Limited [361.112 and 361.113] considers that CCZ-P9 should also recognise that alternative design responses are necessary for functional requirements for a range of activities, including existing service stations. The submitter seeks the following changes:

CCZ-P9 (Quality design outcomes)

...

2. Ensuring that development, where relevant:

...

- f. Integrates with existing and planned active and public transport activity movement networks, including planned rapid transit stops; and
- g. Allows sufficient flexibility for ground floor space to be converted to a range of activities, including residential along streets that are not subject to active frontage and/or verandah coverage requirements and sites free of any identified natural hazard risk.
- h. Recognises that alternative design responses are necessary for functional requirements of a range of activities, including existing service stations.

6. Kāinga Ora [391.714 and 391.715 (opposed by WCCT FS82.129, LIVE WELLington FS96.39 and Roland Sapsford FS117.38 and supported by Waka Kotahi FS103.25)] seek amendments to the policy name to better reflect the intent of the policy. They subsequently seek changes to the wording of the policy to better recognise the CCZ rule setting and the intent of the NPS-UD (particularly Policy 6). Kāinga Ora seeks CCZ-P9 be amended to simplify and clarify the neighbourhood and townscape outcomes that the PDP is seeking to manage. The submitter seeks the following changes:

CCZ-P9 (~~Quality design~~ City Centre outcomes)

Require significant new development, and alterations and additions to existing development, at a site scale to positively contribute to the sense of place and distinctive form, quality and ~~amenity~~ planned urban built form and function of the City Centre Zone by:

1. Recognising the benefits of well-designed, comprehensive intensive development, including the extent to which the development:
 - ~~a. Acts as a catalyst for future change by reflecting~~ Reflects the nature and scale of the development ~~proposed~~ enabled within the zone and in the vicinity and responds to the evolving, more intensive identity of the ~~neighbourhood~~ City Centre;
 - ~~b. Optimises the development capacity of the land, particularly sites that are:-~~
 - ~~i. Large; or~~
 - ~~ii. Narrow; or~~
 - ~~iii. Vacant; or~~
 - ~~iv. Ground level parking areas;~~
 - ...
 2. Ensuring that development, ~~where relevant~~:
 - a. Responds to the site context, particularly where it is located adjacent to:
 - i. A scheduled site of significance to Māori;
 - ii. A heritage building, heritage structure or heritage area;
 - iii. An identified character overlay ~~precinct~~;
 - ...
 - g. Allows sufficient flexibility for ground floor space to be converted to a range of activities. ~~including residential along streets that are not subject to active frontage and/or verandah coverage requirements and sites free of any identified natural hazard risk.~~

Assessment

277. I acknowledge the submission points in support and opposition of the policy [44.12, 350.293, 389.104, 412.81].
278. I agree with FENZ [273.311, 273.312] that sites should be accessible for emergency service vehicles and consider it is appropriate for the policy be amended to include this.
279. In response to the submission points from Foodstuffs [476.50, 476.51] and McDonald's [274.58 and 274.59], I disagree with the request to reference functional need or operational need within the policy. I note that functional need and operational need are referenced in assessment criteria for some standards including CCZ-S4 minimum building height, CCZ-S5 minimum ground floor height and CCZ-S8 active frontage control. I consider that addressing these through certain standards' assessment criteria is sufficient and policy references are not required.
280. In my view, consideration for functional need and operational need is not appropriate for every type of development enabled under CCZ rules CCZ-R19 and CCZ-R20 and every CCZ standard. An example being that I do not consider it appropriate to enable non-compliance with CCZ-S4 minimum building height on the basis of justifying an operational need or functional need to do so.
281. While I agree with Willis Bond [416.155, 416.156 and 416.157 (opposed by Foodstuffs FS23.95 and FS23.96)] that CCZ-P9 is lengthy and covers a lot of matters, I do not consider it to be confusing or to cover the same ground as other policies. I consider that each policy stands on its own in terms of the matters they cover.
282. I acknowledge that there is potentially overlap between the matters in CCZ-P9 and the CMUDG, but I would note that this policy is about quality design outcomes and it is important the CMUDG

provides sufficient guidelines to help developers achieve the intent of the CCZ. Notably the policy signifies the key design outcomes to be taken into account when undertaking development within the zone. I do not recommend any changes based on this submission, particularly given the scale of development that is likely to occur in the CCZ. I also note that some of the design matters in CCZ-P9 are policy hooks for CCZ standards.

283. I do not recommend any changes as a result of submission points from Z Energy [361.112, 361.113]. In part this is because the relief sought is addressed through my recommendation to include reference to ‘operational need’ and ‘functional need’ as part of a new clause 3 of CCZ-P9. I also do not think it is necessary nor appropriate to carve out an exemption for certain activities in this policy. Particularly when this activity is identified as a potentially incompatible activity under CCZ-P2. It will be up to the consent planner through a resource consent application to determine if alternative design responses, and thus non compliance with standards, falls under the umbrella of ‘functional need’ or ‘operational need’.
284. With respect to changes requested by Kāinga Ora [391.714 and 391.715 (opposed by WCCT FS82.129, LIVE WELLington FS96.39 and Roland Sapsford FS117.38 and supported by Waka Kotahi FS103.25)], I agree in part. I do not consider a change to the name of the policy is required. The existing title makes it clear that this policy is design focused, whereas the requested change does not. The proposed change in my view creates ambiguity, as it does not reference or allude to the intent of CCZ-P9 and reads more as a policy relating to the purpose of the zone than design outcomes.
285. In my view CCZ-P9 and more broadly all PDP CCZ provisions give effect to the NPS-UD’s directive to maximise development capacity, have a planned urban built form anticipated for a city centre, and work in an integrated way to ensure a well-functioning urban form. In the submitter’s suggested changes and submission generally, they appear to be utilising policy 6(b)(i) to justify removal of references and thus consideration for amenity in the CCZ altogether. I do not consider that this appropriate. Whilst I appreciate the same level of amenity in the ODP cannot be preserved through the PDP given the NPS-UD policy 6(b)(i) directive, and the need to balance amenity with enabling development capacity, I believe it is inappropriate to remove the reference to amenity.
286. I agree with the submitter in that it is appropriate to remove reference to ‘and sites free of any identified natural hazard risk’ as I note that this is sufficiently provided for within the Natural Hazard and Coastal Hazard chapter’s rule frameworks. One change that I do agree with the submitter on is the removal of the reference to ‘Acts as a catalyst for future change by reflecting’. I note the intent of this was to note that comprehensive development can have a positive effect in terms of revitalising blocks or neighbourhoods. However, I acknowledge that this wording is not overly clear and can therefore be removed.

Summary of recommendations

287. HS4-P1-CCZ-Rec41: That submission points relating to CCZ-P9 (Quality design outcomes) are accepted/rejected as detailed in Appendix B.
288. HS4-P1-CCZ-Rec42: That CCZ-P9 (Quality design outcomes) is amended as detailed below and in Appendix A.

CCZ-P9	Quality Design Outcomes Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of City Centre Zone by:
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	<p>1. Recognising the benefits of well-designed, comprehensive, development, including the extent to which the development:</p> <ul style="list-style-type: none"> a. Acts as a catalyst for future change by reflecting <u>Reflects</u> the nature and scale of the development proposed <u>enabled</u> within the zone and in the vicinity and responds to the evolving, more intensive identity of the neighbourhood; b. Optimises the development capacity of the land, <u>particularly including sites that are: large, narrow, vacant or ground level parking areas;</u> <ul style="list-style-type: none"> i. Large; or ii. Narrow; or iii. Vacant; or iv. Ground level parking areas; c. Provides for the increased levels of residential accommodation anticipated; and d. Provides for a range of supporting business, open space and community facilities; and <u>e. Is accessible for emergency service vehicles; and</u> <p>2. Ensuring that development, where relevant:</p> <ul style="list-style-type: none"> a. Responds to the site context, particularly where it is located adjacent to: <ul style="list-style-type: none"> i. A scheduled site of significance to Māori; ii. A heritage building, heritage structure or heritage area; iii. An identified character precinct; iv. A listed public space; v. Identified pedestrian streets; vi. Residential zones; vii. Open space zones; and viii. The Waterfront Zone; b. Responds to the pedestrian scale of narrower streets; c. Responds to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings; d. Provides a safe and comfortable pedestrian environment; e. Enhances the quality of the streetscape and the private/public interface; f. Integrates with existing and planned active and public transport activity movement networks, including planned rapid transit stops; and g. Allows sufficient flexibility for ground floor space to be converted to a range of activities, including residential along streets that are not subject to active frontage and/or verandah coverage requirements and sites free of any identified natural hazard risk.
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CCZ-P10 – On-site Residential Amenity (ISPP)

Matters raised by submitters

289. Argosy [383.108], Oyster Management Limited [404.62 (opposed by WCCT FS82.168)], Paul Burnaby [44.13], Restaurant Brands Limited [349.189] and Z Energy Limited [361.114] seek to retain CCZ-P10 as notified.
290. Stratum Management Limited [249.25] opposes CCZ-S10 relating to outdoor living spaces. They seek to amend the Policy by deleting point (2) of CCZ-P10 as follows:

CCZ-P10 (On-site residential amenity)

Achieve a high standard of amenity for residential activities that reflects and responds to the evolving, higher density scale of development anticipated in the City Centre Zone, including:

1. Providing residents with access to an adequate outlook; ~~and~~
2. ~~Ensuring access to convenient outdoor space, including private or shared communal areas.~~

291. Kāinga Ora [391.716 and 391.717] seeks amendments to relevant rules to clarify the extent of on-site amenity requirements. They seek CCZ-P10 be amended to remove communal outdoor space requirements as it is considered that this is already covered by reference to outdoor space generally and this could be private outdoor space. Changes sought are as follows:

CCZ-P10 (On-site residential amenity)

Achieve a high standard of amenity for residential activities that reflects and responds to the evolving, higher density scale of development anticipated in the City Centre Zone, including:

1. Providing residents with access to an adequate outlook; and
2. ~~Ensuring access to convenient outdoor space, including private or shared communal areas.~~

292. Willis Bond [416.158] considers that on-site residential amenity can be provided in several ways and should not be restricted by prescriptive amenity requirements. They seek that CCZ-P10 be amended to acknowledge affordability constraints. The submitter seeks the following amendments:

CCZ-P10 (On-site residential amenity)

Achieve a high standard of amenity for residential activities that reflects and responds to the evolving, higher density scale of development anticipated in the City Centre Zone and the need to provide for a choice of building type, size, affordability and distribution, ~~including:~~

1. ~~Providing residents with access to an adequate outlook; and~~
2. ~~Ensuring access to convenient outdoor space, including private or shared communal areas.~~

Assessment

293. I acknowledge the submission points in support and opposition of the policy [383.108, 404.62, FS82.168, 44.13, 349.189, 361.114].
294. I disagree with the submission points from Stratum Management Limited [249.25] with regards to removing reference to private or shared communal outdoor areas. Clause 2 of CCZ-P10 is an important policy hook for CCZ-S10 residential – outdoor living space and provides useful guidance for plan readers and consent planners. With regard to Kāinga Ora’s submission point [391.716, 391.717] I accept in part their submission point. Whilst I note that I do not recommend removing the reference to private or shared communal areas as this is necessary policy hook back to CCZ-S10, I acknowledge that CCZ-S10 provides for private space or shared communal areas, rather than requiring both. It is important the CCZ-P10 reflects this. However, I consider that in response to Kāinga Ora’s submission point, the wording may not be clear as it could be and there is benefit to providing further amendment to rectify this.

295. The Central Area Monitoring Report 2019³⁰ found that in relation to apartments half of the apartments only had a single aspect and most apartments do not have private outdoor space (66%). It also found that for those that did, the space was usually less than 10m², with around 32% having less than 5m² of space, while a further 74% had between 5-10m². There were no private outdoor spaces that faced south. Many faced east or west depending which side of the building they were on.
296. In my view, the finding that only 33% of apartments had outdoor living justifies the need for the PDP policy direction in CCZ-P10 and associated CCZ-S10 control to required provisions of outdoor living space. However, I consider that the ability to provide this outdoor living space through either private provision or communal space provides greater flexibility for developers in design of buildings and outdoor living spaces.
297. Whilst I understand the intent of Willis Bond's submission point [416.158] I consider that their relief sought to some degree is already captured in CCZ-P10 in the reference 'and responds to the evolving, higher density scale of development anticipated in the City Centre Zone'. This acknowledges the importance of enhancing on-site amenity but also notes the evolving, high density context of the CCZ and the dynamic balance of the two aspects. As such I do not consider a change is warranted. I also do not agree with removing clauses (1) and (2) as they are policy hooks to CCZ-S10 and CCZ-S13. In recommendation HS4-P1-CCZ-RecX I have also recommended an amendment to CCZ-P10 to include reference to CCZ-S9 minimum unit size also.
298. With regards to Willis Bond's point that 'on-site residential amenity can be provided in several ways and should not be restricted by prescriptive amenity requirements', I note that these 'prescriptive amenity requirements' provide a minimum for what Council considers to be important on-site amenity outcomes to provide amenity for inner city residents. I agree that there are other ways to provide on-site amenity.
299. However, I do not think it is sufficient to leave this up to the market entirely without any District Plan intervention to ensure baseline outcomes are achieved. This is because adverse effects are already occurring, for example the adverse effect of small unit sizes that do not meet adequate living requirements as identified in the Central Area Monitoring report³¹ (pages 17-18). The monitoring report identified that of the consents for apartments in the Central Area:
- 12 contained some or all dual key apartments with the majority of these dual key apartments being a one bedroom apartment or a studio apartment;
 - Three quarters of apartments were for studios or single bedrooms as shown on figure 10;

³⁰ Wellington City Council, [Planning for Growth District Plan Review Central Area Monitoring Report](#), December 2019

³¹ Wellington City Council, [Planning for Growth District Plan Review Central Area Monitoring Report](#), December 2019

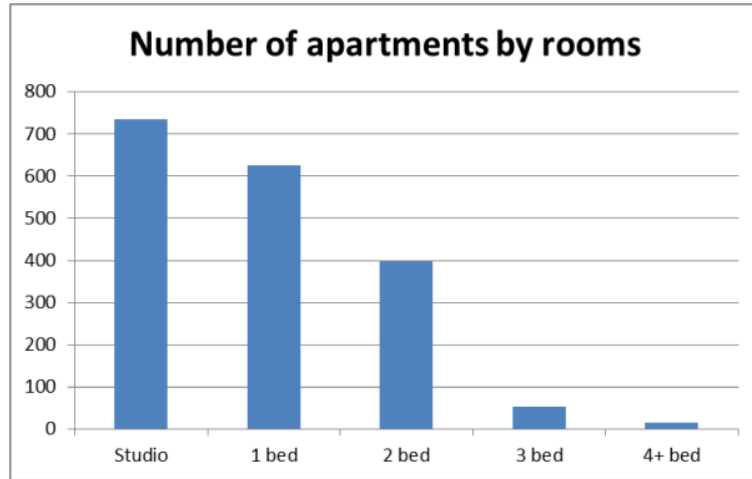


Figure 10: Number of apartments developed by number of bedrooms in each

- Most studio apartments were less than 30m² and some were as small as 17m². One bedroom apartments were larger, generally between 40m² and 50m²; and
- Of the 1,828 apartments, 1,067 were single aspect apartments – 58%.

300. I consider these findings showing the small sizes of consented apartments reinforces the need to have policy wording in CCZ-P10 as per recommendation P1-CCZ-Rec156 to require developments to meet a base level of internal living space, which is required through CCZ-S9.

301. I consider that if a well-functioning urban environment is to be achieved in the CCZ as per the direction in the NPS-UD, then a focus on on-site amenity is vital including the need to enhance liveability through controls such as minimum unit sizes.

Summary of recommendations

302. HS4-P1-CCZ-Rec43: That submission points relating to CCZ-P10 (On-site residential amenity) are accepted/rejected as detailed in Appendix B.

303. HS4-P2-CCZ-Rec44: That CCZ-P10 (On-site residential amenity) be amended as follows:

CCZ-P10	<p>On-site residential amenity</p> <p>Achieve a high standard of amenity for residential activities that reflects and responds to the evolving, higher density scale of development anticipated in the City Centre Zone, including:</p> <ol style="list-style-type: none"> 1. Providing residents with access to an adequate outlook; and 2. Ensuring f access to convenient outdoor space, including private and/or shared communal areas of outdoor space.
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CCZ-P11 – City Outcomes Contribution (ISPP)

304. CCZ-P11 (City Outcomes Contribution) is addressed in section 8.10 of the Hearing Stream 4 – S42A Report – Overview and General Matters.

CCZ-P12 – Managing Adverse Effects (ISPP)

Matters raised by submitters

305. Argosy [383.110], Oyster Management Limited [404.64], Restaurant Brands Limited [349.191] and Z Energy Limited [361.117] seek to retain CCZ-P12 as notified.
306. FENZ [273.313 and 273.314] considers it critical that access for emergency service vehicles is a consideration of the design and layout of new high density developments. FENZ therefore seeks the inclusion of a further matter under this policy as follows:

CCZ-P12 (Managing adverse effects)

Recognise the evolving, higher density development context anticipated in the City Centre Zone, while managing any associated adverse effects including:

...

3. The impacts on sunlight access to identified public space; ~~and~~.
4. The impacts of related construction activity on the transport network; ~~and~~.
5. Accessibility for emergency service vehicles.

307. WCC Environmental Reference Group [377.480] considers that CCZ-P12 fails to mention the impact of the development process on any of the Wellington Central City Zones sustainability goals. They seek the following amendments to ensure CCZ-P12 upholds Objects 3 and 5:

CCZ-P12 (Managing adverse effects)

Recognise the evolving, higher density development context anticipated in the City Centre Zone, while managing any associated adverse effects including:

1. The impacts of building dominance and the height and scale relationship
2. The emission of greenhouse gases and waste water runoff from construction.
3. Building mass effects, including the amount of light and outlook around buildings;
4. The impacts on sunlight access to identified public space; and
5. The impacts of related construction activity on the transport network and pedestrian linkages.

308. Kāinga Ora [391.720 and 391.721] seeks to amend the Policy to include adverse effects ‘beyond those anticipated within the zone’ as follows:

CCZ-P12 (Managing adverse effects)

Recognise the evolving, higher density development context anticipated in the City Centre Zone, while managing any associated adverse effects beyond those anticipated within the zone including:

...

309. Willis Bond [416.163 (opposed by Waka Kotahi FS103.26)] considers that the impacts of construction activity on the transport network should not be relevant in the resource consenting process. They further consider densification proposed by the District Plan will inevitably result in impacts. The submitter seeks the deletion of CCZ-P12.4.

310. Stratum Management Limited [249.27] seeks the following amendments to CCZ-P12:

CCZ-P12 (Managing adverse effects)

Recognise the evolving, higher density development context anticipated in the City Centre Zone, while managing any associated adverse effects including:

1. The impacts of building dominance and the height and scale relationship where a building does not meet relevant standards; and
2. Building mass effects, including the amount of light and outlook around buildings where a building does not meet relevant standards; and

...

Assessment

311. I acknowledge the submission points in support of the policy [383.110, 404.64, 349.191, 361.117]
312. Regarding the submission from FENZ [273.313, 273.314] seeking the inclusion of ‘accessibility for emergency service vehicles’ to CCZ-P12, I do not consider that this amendment is necessary as this policy is managing adverse effects from evolving, higher density development. I also think that FENZ’s relief is already sufficiently satisfied in my proposed amendment to CCZ-P9 in HS4-P1-CCZ-RecX. I think the proposed addition to CCZ-P12 does not align with the adverse effects sought to be managed in this policy i.e. building dominance, sunlight access etc.
313. Whilst I understand the intent of the submission point from WCC Environmental Reference Group [377.480] I consider that the amendment to include a clause focusing on the ‘emission of greenhouse gases and waste water runoff from construction’ is overly onerous. I also consider that there is no suggestion by the submitter about how emissions or waste water runoff are to be monitored and ways to manage the adverse effects of this. The regulation of these matters is also considered outside the functions of Territorial Authorities as conferred by s31 RMA, and sits instead within functions of Regional Councils under s30 RMA. I also do not consider that compelling evidence or s32AA assessment has been provided by the submitter to support the requested change.
314. However, I consider that there is merit in the addition proposed by WCC Environmental Reference Group with regards to consideration of related construction activity on ‘pedestrian linkages’, not just on the transport network. This is important to ensure sufficient accessibility and connectivity across the zone during construction.
315. Regarding the submission points from Kāinga Ora [391.720, 391.721], this would effectively build a permitted baseline test into the policy, which arguably should remain at the discretion of a reporting resource consent planner. I do not consider this change to be appropriate.
316. In response to the submission points from Willis and Bond [416.163 (opposed by Waka Kotahi FS103.26)], CCZ-P12.4 acknowledges that the City will undergo a large amount of construction if the level of development enabled under the PDP is realised, and the construction traffic effects will need to be managed to ensure ongoing traffic flow. The policy requires developers to consider how construction traffic effects will be managed and provides consent planners with discretion to impose a Construction Management Plan if considered necessary.
317. With regards to the submission point from Stratum Management Limited [249.27], I do not consider these changes to be appropriate. I note that these matters are relevant even when

standards can be met to ensure quality design outcomes alongside managing adverse effects.

Summary of recommendations

318. HS4-P1-CCZ-Rec45: That submission points relating to CCZ-P12 (Managing adverse effects) are accepted/rejected as detailed in Appendix B.

319. HS4-P1-CCZ-Rec46: That CCZ-P12 (Managing adverse effects) be amended as follows:

CCZ-P12	<p>Managing adverse effects</p> <p>Recognise the evolving, higher density development context anticipated in the City Centre Zone, while managing any associated adverse effects including:</p> <ol style="list-style-type: none"> 1. The impacts of building dominance and the height and scale relationship; 2. Building mass effects, including the amount of light and outlook around buildings; and 3. The impacts on sunlight access to identified public space; and 4. The impacts of related construction activity on the transport network <u>and pedestrian linkages</u>.
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CCZ-R1 – Commercial Activities (P1 Sch1)

Matters raised by submitters

320. Argosy [383.111 (supported by Foodstuffs FS23.80)], Century Group Limited [238.5], Fabric Property Limited [425.59], Foodstuffs [476.100], Oyster Management Limited [404.65 (supported by Foodstuffs FS23.79)], Precinct Properties New Zealand Limited [139.32], Restaurant Brands Limited [349.192 (supported by Foodstuffs FS23.78)] and Z Energy Limited [361.118] seek to retain CCZ-R1 as notified.

Summary of recommendations

321. HS4-P1-CCZ-Rec47: That submission points relating to CCZ-R1 (Commercial activities) are accepted/rejected as detailed in Appendix B.

322. HS4-P1-CCZ-Rec48: That CCZ-R1 (Commercial activities) be confirmed as notified.

CCZ-R2 – Community Facilities (P1 Sch1)

Matters raised by submitters

323. Century Group Limited [238.6] and Precinct Properties New Zealand Limited [139.33] seek to retain CCZ-R2 as notified.

Summary of recommendations

324. HS4-P1-CCZ-Rec49: That submission points relating to CCZ-R2 (Community facilities) are accepted as detailed in Appendix B.

325. HS4-P1-CCZ-Rec50: That CCZ-R2 (Community facilities) be confirmed as notified.

CCZ-R3 – Educational Facilities (P1 Sch1)

Matters raised by submitters

326. Century Group Limited [238.7], Ministry of Education [400.145] and Precinct Properties New Zealand Limited [139.34] seek to retain CCZ-R3 as notified.

Summary of recommendations

327. HS4-P1-CCZ-Rec51: That submission points relating to CCZ-R3 (Educational facilities) are accepted as detailed in Appendix B.

328. HS4-P1-CCZ-Rec52: That CCZ-R3 (Educational facilities) be confirmed as notified.

CCZ-R4 – Recreation Activities (P1 Sch1)

Matters raised by submitters

329. Century Group Limited [238.8] and Precinct Properties New Zealand Limited [139.35] seek to retain CCZ-R4 as notified.

Summary of recommendations

330. HS4-P1-CCZ-Rec53: That submission points relating to CCZ-R4 (Recreation activities) are accepted as detailed in Appendix B.

331. HS4-P1-CCZ-Rec54: That CCZ-R4 (Recreation facilities) be confirmed as notified.

CCZ-R5 – Arts, Culture, and Entertainment Activities (P1 Sch1)

Matters raised by submitters

332. Century Group Limited [238.9] and Precinct Properties New Zealand Limited [139.36] seek to retain CCZ-R5 as notified.

Summary of recommendations

333. HS4-P1-CCZ-Rec55: That submission points relating to CCZ-R5 (Arts, culture, and entertainment activities) are accepted as detailed in Appendix B.

334. HS4-P1-CCZ-Rec56: That CCZ-R5 (Arts, culture, and entertainment activities) be confirmed as notified.

CCZ-R6 – Emergency Services Facilities (P1 Sch1)

Matters raised by submitters

335. Century Group Limited [238.10], FENZ [273.315] and Precinct Properties New Zealand Limited [139.37] seek to retain CCZ-R6 as notified.

Summary of recommendations

336. HS4-P1-CCZ-Rec57: That submission points relating to CCZ-R6 (Emergency services facilities) are accepted as detailed in Appendix B.

337. HS4-P1-CCZ-Rec58: That CCZ-R6 (Emergency service facilities) be confirmed as notified.

CCZ-R7 – Marae Activities (P1 Sch1)

Matters raised by submitters

338. Century Group Limited [238.11] and Precinct Properties New Zealand Limited [139.38] seek to retain CCZ-R7 as notified.

Summary of recommendations

339. HS4-P1-CCZ-Rec59: That submission points relating to CCZ-R7 (Marae activities) are accepted as detailed in Appendix B.

340. HS4-P1-CCZ-Rec60: That CCZ-R7 (Marae activities) be confirmed as notified.

CCZ-R8 – Community Corrections Activities (P1 Sch1)

Matters raised by submitters

341. Corrections [240.60], Century Group Limited [238.12] and Precinct Properties New Zealand Limited [139.39] seek to retain CCZ-R8 as notified.

Summary of recommendations

342. HS4-P1-CCZ-Rec61: That submission points relating to CCZ-R8 (Community corrections activities) are accepted as detailed in Appendix B.

343. HS4-P1-CCZ-Rec62: That CCZ-R8 (Community corrections activities) be confirmed as notified.

CCZ-R9 – Public Transport Activities (P1 Sch1)

Matters raised by submitters

344. Century Group Limited [238.13] and Precinct Properties New Zealand Limited [139.40] seek to retain CCZ-R9 as notified.

Summary of recommendations

345. HS4-P1-CCZ-Rec63: That submission points relating to CCZ-R9 (Public transport activities) are accepted as detailed in Appendix B.

346. HS4-P1-CCZ-Rec64: That CCZ-R9 (Public transport activities) be confirmed as notified.

CCZ-R10 – Visitor Accommodation Activities (P1 Sch1)

Matters raised by submitters

347. Century Group Limited [238.14] and Precinct Properties New Zealand Limited [139.41] seek to retain CCZ-R10 as notified.

Summary of recommendations

348. HS4-P1-CCZ-Rec65: That submission points relating to CCZ-R10 (Visitor accommodation activities)

are accepted as detailed in Appendix B.

349. HS4-P1-CCZ-Rec66: That CCZ-R10 (Visitor accommodation activities) be confirmed as notified.

CCZ-R11 – Repair and Maintenance Services Activities (P1 Sch1)

Matters raised by submitters

350. Century Group Limited [238.15] and Precinct Properties New Zealand Limited [139.42] seek to retain CCZ-R11 as notified.

Summary of recommendations

351. HS4-P1-CCZ-Rec67: That submission points relating to CCZ-R11 (Repair and maintenance service activities) are accepted as detailed in Appendix B.

352. HS4-P1-CCZ-Rec68: That CCZ-R11 (Repair and maintenance service activities) be confirmed as notified.

CCZ-R12 – Residential Activities (P1 Sch1)

Matters raised by submitters

353. Corrections [240.61], Argosy [383.112], Century Group Limited [238.16], Oyster Management Limited [404.66] and Precinct Properties New Zealand Limited [139.43] seek to retain CCZ-R12 as notified.

354. To ensure consistency, Stratum Management Limited [249.28] seeks that point (iv) be amended to 'At ground level on any site not contained within a Natural Hazard Overlay'. Stratum Management Limited [249.29] also seeks that the notification status under CCZ-R12 is amended to preclude both limited notification and public notification. Changes sought are as follows:

CCZ-R12 (Residential activities)

1. Activity status: **Permitted**

Where:

a. The activity is located

...

iv. At ground level on any site not contained within a Natural Hazard Overlay.

2. Activity status: **Discretionary**

...

Notification status: An application for resource consent made in respect of rule MCZ-R12.2.a is precluded from being either publicly or limited notified.

355. Kāinga Ora [391.722, 391.723, 391.724 and 391.725] supports CCZ-R12 in part but:

- Seeks that active frontages are only applied to key roads;
- Considers it is unclear why verandah coverage is an issue for residential development, particularly when ground floor development is controlled on active frontages and non-residential activity frontages in accordance with LCZ-P4;
- Seeks that reference to natural hazards is removed as it is considered these matters are

controlled by Natural Hazard rules and the proposed wording is inconsistent with this approach as this encourages residential development in hazard overlay areas. Considers this is unnecessary duplication; and

- Seeks that the activity status for non-compliance is amended to Restricted Discretionary and appropriate matters of discretion are restricted to Policy 7 and 8 matters and limited to simple design limitations.

The following amendments are sought:

CCZ-R12 (Residential activities)

1. Activity status: Permitted

Where:

a. The activity is located:

- i. i. Above ground floor level; or
- ii. ii. At ground floor level along any street edge not identified as an active frontage.; ~~or~~
- iii. ~~iii. At ground level along any street not identified as requiring verandah coverage; or~~
- iv. ~~iv. At ground level on any site contained within a Natural Hazard Overlay.~~
- v. ...

2. Activity status: ~~Discretionary~~ Restricted Discretionary

Assessment

356. I acknowledge the submission points in support of the rule [240.61, 383.112, 238.16, 404.66, 139.43]
357. Regarding the submission point from Stratum Management Limited [249.28, 249.29], I accept in part their submission. Whilst I agree with their wording change to better reflect the rule intent as notified in the PDP to not have residential activity at ground level within a natural hazard overlay, I now consider that the Natural Hazard Chapter and Coastal Hazards Chapter sufficiently addresses the matter detailed in CCZ-R12(1)(a)(iv) with regards to residential activities at ground levels within a Natural Hazard Overlay. As such I consider that clause (iv) could be removed. This reflects recommendations I have made regarding CCZ-P1 (HS4-P1-CCZ-Rec26), CCZ-P2 (HS4-P1-CCZ-Rec28), CCZ-P6 (HS4-P1-CCZ-Rec36) and CCZ-P9 (HS4-P1-CCZ-Rec42) in this report.
358. I also agree with their suggested amendment to the notification clause for CCZ-R12. I do not consider that there is sufficient justification to notify a resource consent application with regards to an application for ground floor residential activity where there is a verandah or active frontage control. In my view, this would be overly onerous.
359. I disagree with Kāinga Ora's submission points [391.722, 391.723, 391.724 and 391.725]. CCZ-R12(1)(iv) will apply in instances where verandah cover is required but the site is not an active frontage, and signifies that the District Plan seeks to enhance the vitality and vibrancy of centres by preventing residential activities in these locations. As noted above in paragraph 356, I agree with the amendment to remove clause (iv) regarding residential activity at ground floor on any site contained within a Natural Hazard Overlay, as I note that this is sufficiently provided for in the Natural Hazard and Coastal Hazard chapters.
360. However, I do not support Kāinga Ora's suggested change from Discretionary to Restricted Discretionary Activity Status. Residential activity at ground floor is enabled where there are no verandahs or active frontages. I consider that Discretionary provides for sufficient consideration

through the consent process to ensure that enabling residential activities where one or more of those controls applies is appropriate or note.

Summary of recommendations

361. HS4-P1-CCZ-Rec69: That submission points relating to CCZ-R12 (Residential activities) are accepted/rejected as detailed in Appendix B.

362. HS4-P1-CCZ-Rec70: That CCZ-R12 (Residential activities) is amended as follows:

CCZ-R12	Residential Activities
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity is located:</p> <ul style="list-style-type: none"> 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 verandah coverage; or iv. At ground level on any site not contained within a Natural Hazard Overlay.
	<p>2. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of CCZ-R12.1.a cannot be achieved.</p> <p>Notification status: An application for resource consent made in respect of rule CCZ-R12.2.a is precluded from being <u>either</u> publicly <u>or limited</u> notified.</p>

CCZ-R13 – Industrial activities, excluding repair and maintenance service activities (P1 Sch1)

Matters raised by submitters

363. Century Group Limited [238.17] seeks to retain CCZ-R13 as notified.

Summary of recommendations

364. HS4-P1-CCZ-Rec71: That submission points relating to CCZ-R13 (Industrial activities, excluding repair and maintenance service activities) are accepted as detailed in Appendix B.

365. HS4-P1-CCZ-Rec72: That CCZ-R13 (Industrial activities, excluding repair and maintenance service activities) be confirmed as notified.

CCZ-R14 – Carparking Activities (P1 Sch1)

Matters raised by submitters

366. Century Group Limited [238.18] and VUWSA [123.59] seeks to retain CCZ-R14 as notified.

367. Precinct Properties New Zealand Limited [139.44] seeks to amend CCZ-R14 to remove mandatory notification for at grade car parks. The submitter considers there may be circumstances where

there are functional needs to provide car parking at ground level. McDonald's [274.64], Foodstuffs [476.56], Reading Wellington Properties Limited [441.4 and 441.5] also oppose the requirement for public notification of any carparks in the CCZ and seek to delete the clause under CCZ-R14.2.

368. Precinct Properties New Zealand Limited [139.45], Foodstuffs [476.53 (opposed by GWRC FS84.102) and 476.54] and McDonald's [274.63] oppose the Discretionary Activity status in CCZ-R14 for car parking activities that do not comply with the Permitted Activity requirements.
369. Woolworths [359.86 (supported by Foodstuffs FS23.23)] also considers the activity status should be changed to Restricted Discretionary and suggests a number of matters of discretion. The submitter also opposes the notification clause and seeks that it be deleted. The submitter seeks the following amendments to CCZ-R14.2:

CCZ-R14 (Carparking activities)

1. Activity status: Permitted

...

Activity status: Restricted Discretionary

Where:

- a. Compliance with the requirements of CCZ-R14.1.a is not achieved.

Matters of discretion are:

1. The matters in CCZ-P2, CCZ-P3, CCZ-P4, CCZ-P7, CCZ-P9 and CCZ-P10;
2. The cumulative effect of the development on;
3. The ongoing viability and vibrancy of the Zone ;
4. The safety and efficiency of the transport network, including providing for a range of transport modes;
5. The hierarchy of roads, travel demand or vehicle use; and

The compatibility with other activities provided for in the zone.

~~Notification status: An application for resource consent made in respect of rule CCZ-R14.2.a must be publicly notified.~~

370. Foodstuffs [476.55] and McDonald's [274.61 and 274.62 (opposed by Waka Kotahi FS103.27)] further consider that if carparking is not visible it should be a permitted activity in CCZ-R14 as per the other centre zones.

Assessment

371. I acknowledge the submission points in support of this rule [238.18, 123.59].
372. Regarding the submissions on removing the notification clause for CCZ-R14 [139.44, 274.64, 476.56, 441.4, 441.5, 359.86, FS23.23], I do not recommend that the public notification clause is removed from CCZ-R14.2. I consider mandatory public notification is appropriate as it discourages these activities from occurring within the zone at the expense of more appropriate activities and land uses that more efficiently optimise sites.
373. I also do not recommend that the activity status is amended from Discretionary to Restricted Discretionary as requested by a number of submitters [139.45, 476.53 (opposed by FS84.102), 476.54, 359.86, FS23.23, 274.63]. In my view the Discretionary Activity status sends a strong signal that ground floor parking is considered to be a sub-optimal use of CCZ land. I note that as part of the District Plan review process, ground floor carparking has been an identified issue

within the CCZ.

374. Under the ODP there are no provisions focused on efficient optimisation of CCZ sites or sufficient provisions to deter ground level parking including controlling the impacts of demolition. The Kaikoura Earthquake resulted in a handful of buildings demolished due to them being deemed earthquake prone. As a result the CCZ has had a number of empty sites that have been used for carparking as a short to medium term land use whilst redevelopment of sites is considered.
375. As noted on page 100 of the CCZ, WFZ, STADZ and Te Ngākau S32 report with regards to the WFZ, it notes that car-parking is an inefficient use of space because of the high demand, high land value, high amenity value, good public transport access, and conflict between vehicles and high pedestrian/multi-modal use. This is also applicable in the CCZ to a large extent, whilst appreciating the differences between the zone and the extent of public space provision in the WFZ.
376. The Discretionary activity status reflects the underlying policy framework, which establishes that these activities are 'potentially incompatible' within the CCZ. As such, I consider that this is appropriate and disagree with the request to change the activity status. In conjunction with CCZ-R18 (Demolition or removal of buildings and structures), CCZ-R14 seeks to prevent the long term use of sites in the CCZ for car-parking purposes as this can undermine the viability and vibrancy of a centre and prevent the realisation of development potential.
377. I note that strategic direction CC-O3, directs that Wellington retains a compact urban form and is 'greener' (i.e. seeks to lower carbon emissions). The CCZ's focus on active transport, micro-mobility, public transport and activities and development near existing and planned rapid transit, as well as responding to identified significant climate change effects, supports the discretionary activity status under CCZ-R14 as notified.
378. In response to the submission points from Foodstuffs [476.55] and McDonald's [274.61, 274.62 (opposed by FS103.27)], I do not recommend carparking that is not visible along the street edge (inferred) being a permitted activity. I consider that to enable the efficient use of land and intensification in the CCZ, it is appropriate that the activity is subject to a resource consent process.

Summary of recommendations

379. HS4-P1-CCZ-Rec73: That submission points relating to CCZ-R14 (Carparking activities) are accepted/rejected as detailed in Appendix B.
380. HS4-P1-CCZ-Rec74: That CCZ-R14 (Carparking activities) be confirmed as notified.

CCZ-R15 – Yard-based Retailing Activities (P1 Sch1)

Matters raised by submitters

381. Century Group Limited [238.19] seek to retain CCZ-R15 as notified.
382. BP Oil New Zealand, Mobil Oil New Zealand Limited and Z Energy Limited (the Fuel Companies) [372.153 and 372.154] and Z Energy Limited [361.119 and 361.120] consider that public notification should not be required if the activity relates to maintenance, operation and upgrading of an existing activity or if the new or existing activity adjoins another commercial zone, residential zone or an arterial or collector Road. The submitters seek the following changes:

CCZ-R15 (Yard-based retailing activities)

1. Activity status: Discretionary

Notification Status: An application for resource consent made in respect of rule CCZ-R15 must be publicly notified except:

- a. The activity relates to the maintenance, operation and upgrading of an existing activity;
- b. The new or existing activity adjoins another commercial zone, a residential zone or an arterial or collector Road.

Assessment

383. I acknowledge the submission point in support of the rule [238.19].
384. I agree with the submitters [372.153, 372.154, 361.119, 361.120] that activities associated with the ongoing operation, maintenance, and upgrades of existing service stations / yard-based retail activities need not be subject to this notification requirement. In such cases the use of the site for the specific activity (such as a service station) is established and it is reasonable that the effects of any change to this activity be assessed by a resource consent planner at the application stage, with discretion as to whether any form of notification is required residing with the reporting planner.
385. I disagree that there should be an exemption from notification where a yard-based activity is located at the periphery of the CCZ and adjacent to a different zone. In my view it is these zone interfaces that the District Plan seeks to protect, and quality urban design outcomes should be encouraged in these locations. I agree that yard-based activities adjacent to arterial or principal roads will potentially be appropriate, and the underlying policy framework establishes that these activities are 'potentially incompatible' within the CCZ. As such, I consider that the mandatory requirement for public notification is appropriate as it discourages these activities from occurring within the zone at the expense of more appropriate activities.

Summary of recommendations

386. HS4-P1-CCZ-Rec75: That submission points relating to CCZ-R15 (Yard-based retailing activities) are accepted/rejected as detailed in Appendix B.
387. HS4-P1-CCZ-Rec76: That CCZ-R15 (Yard-based retailing activities) is amended as follows:

CCZ-R15	Yard-based retailing activities
	<p>1. Activity status: Discretionary</p> <p>Notification Status: An application for resource consent made in respect of rule CCZ-R15 must be publicly notified <u>except when</u>:</p> <p><u>a. The activity relates to the maintenance, operation and upgrading of an existing activity.</u></p>

CCZ-R16 – All Other Land Use Activities (P1 Sch1)

Matters raised by submitters

388. Century Group Limited [238.20] seek to retain CCZ-R16 as notified.

Summary of recommendations

389. HS4-P1-CCZ-Rec77: That submission points relating to CCZ-R16 (All other land use activities) are accepted as detailed in Appendix B.
390. HS4-P1-CCZ-Rec78: That CCZ-R16 (All other land use activities) be confirmed as notified.

CCZ-R17 – Maintenance and Repair of Buildings and Structures (ISPP)

Matters raised by submitters

391. Argosy [383.113], FENZ [273.316], Oyster Management Limited [404.67], Precinct Properties New Zealand Limited [139.46] and Restaurant Brands Limited [349.193] seek to retain CCZ-R17 as notified.

Summary of recommendations

392. HS4-P1-CCZ-Rec79: That submission points relating to CCZ-R17 (Maintenance and repair of buildings and structures) are accepted as detailed in Appendix B.
393. HS4-P1-CCZ-Rec80: That CCZ-R17 (Maintenance and repair of buildings and structures) be confirmed as notified.

CCZ-R18 – Demolition or removal of buildings and structures (ISPP)

Matters raised by submitters

394. FENZ [273.317], Oyster Management Limited [404.70] and Restaurant Brands Limited [349.194] seek to retain CCZ-R18 as notified.
395. Argosy [383.114] and Oyster Management Limited [404.68 and 404.69] seek to amend the status of CCZ-R18.2 to from 'Non-complying' to 'Restricted discretionary'. The submitters consider there may be practical reasons why a building might need to be demolished before a resource consent is sought for a new building, for example if a staged development is being undertaken.
396. Fabric Property Limited [425.60 and 425.61] seek CCZ-R18 be amended to provide for demolition as a restricted discretionary activity where it does not comply with CCZ-R18.1. Alternatively, Fabric Property Limited [425.62] seek a discretionary activity status, which would be consistent with MCZ-R19.
397. Kāinga Ora [391.726] seeks to amend CCZ-R18 as necessary to avoid potential unintended consequences of constraining staged development.
398. GWRC [351.278 and 351.279] seeks to amend CCZ-R18 to include a rule requirement that permitted activity status is subject to building and demolition waste being disposed of at an approved facility.

Assessment

399. I acknowledge the submission points in support of this rule [273.317, 404.70, 349.194].
400. In response to submissions seeking an amendment to the activity status for CCZ-R18.2 from Non-complying to Restricted Discretionary or Discretionary [383.114, 404.68, 404.69, 425.60, 425.61,

425.62], I do not recommend this is amended. In paragraphs 374-376 I have detailed the impacts the Kaikoura earthquakes had in terms of building demolition resulting in vacant sites that have since been used for ground level private parking, and the need to more efficiently utilise these sites.

401. The CCZ provisions aim to avoid long-term derelict sites, or buildings being replaced by private outdoor uses such as carparking. Derelict sites can have numerous adverse effects including:
- Inefficient optimisation of prime CCZ land;
 - Safety concerns with regards to empty sites or sites used for carparking where there is no passive surveillance through lack of activity on the site;
 - Impact on the vitality and vibrancy of the wider area where derelict sites sit; and
 - Impact on streetscape and amenity.
402. Well-planned development is best achieved through comprehensive redevelopment of a site, which may include staging secured through a condition of a resource consent. I also do not recommend any changes in response to [391.726] regarding avoiding potential unintended consequences of constraining staged development.
403. I consider that the demolition rule CCZ-R18 sends a clear signal that Council does not want to see any further derelict sites in Wellington and instead wants to encourage planned, consented revitalisation of CCZ sites, either through buildings or public space.
404. Consistent with other Section 42A reports, I disagree with the amendment sought by GWRC [351.278, 351.279] relating to the disposal of building waste at approved facilities. It would be an impractical requirement to enforce given the difficulties of tracking waste from the many demolition projects that occur across the city. In addition, the Solid Waste Management and Minimisation Bylaw 2020 deals with construction waste and all persons undertaking demolition are required to comply with this. The submission point states the request gives effect to Policy 34 of the Operative RPS, but Policy 34 is about controlling activities on contaminated land.

Summary of recommendations

405. HS4-P1-CCZ-Rec81: That submission points relating to CCZ-R18 (Demolition or removal of buildings and structures) are accepted/rejected as detailed in Appendix B.
406. HS4-P1-CCZ-Rec82: That CCZ-R18 (Demolition or removal of buildings and structures) be confirmed as notified.

CCZ-R19 – Alterations and additions to buildings and structures (ISPP)

Matters raised by submitters

407. FENZ [273.318] seeks that CCZ-R19 be retained as notified.
408. Wellington City Council [266.157 (supported in part by the Retirement Villages Association FS126.245 and Ryman Healthcare FS128.245)] considers a notification status statement is missing in relation to developments where all standards are met and seeks the following amendment:

CCZ-R19 (Additions and alterations to buildings and structures)

...

Notification status:

An application for resource consent made in respect of rule CCZ-R19.2.a which complies with all standards is precluded from being either publicly or limited notified. (...)

409. Argosy [383.115 (supported by the Retirement Villages Association FS126.11 and Ryman Healthcare FS128.11)] considers that other standards are sufficient to control alterations and additions that can occur as a permitted activity and therefore seek CCZ-R19.1 be amended to remove (a)(i). They further seek that the Centres and Mixed-Use Design Guide be removed under Matters of discretion as follows:

CCZ-R19 (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~~

...

2. Activity status: Restricted Discretionary

Where:

a. Compliance with any of the requirements of CCZ-R19.1 cannot be achieved.

Matters of discretion are:

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 for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building;~~ and

5. The Residential Design Guide.

...

410. Fabric Property Limited [425.63 – 425.71 (supported in part by the Retirement Villages Association FS126.25 – FS126.28 and Ryman Healthcare FS128.25 – FS128.28)] considers that other standards are sufficient to control alterations and additions that can occur as a permitted activity, and Fabric opposes rule CCZ-R19.1.a.i. They seek that the references to the design guides and Policy CCZ-P11 in the matters of discretion of CCZ-R19 are removed and replaced with references to the specific design outcomes that are sought. The submitter supports the preclusion of limited and public notification and specified permitted activities. The submitter seeks CCZ-R19 be amended as follows:

CCZ-R19 (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~~

...

2. Activity status: Restricted Discretionary

Where:

a. Compliance with any of the requirements of CCZ-R19.1 cannot be achieved.

Matters of discretion are:

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 for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building; and~~

~~5. The Residential Design Guide.~~

...

411. Investore [405.132 and 405.133 (supported in part by the Retirement Villages Association FS126.103 and FS126.104 and Ryman FS128.103 and FS128.104)] seek Design guides are removed as a matter of discretion and replaced with specific outcomes that are sought.
412. Oyster Management Limited [404.71 – 404.74] support CCZ-R19 in part, including the Restricted Discretionary activity status and the notification preclusions. The submitter considers that CCZ-R19.1.a.i would likely make all alterations and additions non-compliant with the permitted activity rule and considers other standards are sufficient to control alterations as a Permitted Activity. The submitter seeks this provision is removed.
413. Kāinga Ora [391.727 and 391.728 (supported in part by the Retirement Villages Association FS126.163 and Ryman FS128.163)] seeks CCZ-R19 be amended to remove direct reference to the Design Guides and to instead include the urban design outcomes that are sought, and to remove reference to the “City Outcomes Contribution”. They further consider that it is unclear why the creation of new residential units needs control as residential activities are encouraged in the City Centre and other rules control the location of residential activities. The changes sought are as follows:

CCZ-R19 (Additions and alterations to buildings and structures)

1. Activity status: Permitted
where:

...

~~iii. Do not result in the creation of new residential units; and~~

..

2. Activity status: Restricted Discretionary

...

Matters of discretion are:

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 following urban design outcomes

a. Provides an effective public private interface;

b. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;

c. Provides high quality buildings;

5. ~~The Centres and Mixed Use Design Guide, including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building; and~~

~~6. The Residential Design Guide.~~

.....

414. McDonald's [274.65 and 274.66] opposes the requirement for restricted discretionary consent where additions and alterations change the exterior to the building above veranda level and are visible from public spaces. The submitter considers CCZ-P19 should be a permitted activity where compliance can be achieved with the relevant standards, and seeks the following amendments:

CCZ-R19 (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 veranda 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.

..

415. Paul Burnaby [44.15 and 44.16] seeks that preclusion for limited notification be removed from CCZ-R19.

416. Precinct Properties New Zealand Limited [139.47 – 139.49] supports the permitted activity status for activities that comply with the specified conditions and supports the preclusion of limited and public notification. The submitter seeks to amend CCZ-R19.2 so that the references to the design guides in the matters of discretion are removed and replaced with references to the specific design outcomes that are sought.

417. Restaurant Brands Limited [349.195] seeks CCZ-R19 be amended to remove the cross reference to the CMUDG within the matters of discretion.
418. Willis Bond [416.168 (supported by Foodstuffs FS23.101, supported in part by Retirement Villages Association FS126.258 and Ryman Healthcare FS128.258)] seeks that CCZ-R19 be amended to remove the inclusion of the Design Guides.
419. Retirement Villages Association [350.295 – 350.297]:
- a. Supports the additions and alterations to a retirement village being provided for as a permitted or restricted discretionary activity under CCZ-R19
 - b. Considers the matters of discretion in Clause 1 are not appropriate, noting they are too broad and not specific to the effects of retirement villages that require management
 - c. Opposes the inclusion of CCZ-P11 in Clause 1 relating to the City Outcomes contribution
 - d. Considers due to absence of any reference to retirement villages in CMUDG their inclusion as matters of discretion in Clauses 3 and 4 are not of relevance/applicable to retirement villages and should be deleted.
 - e. Considers a set of retirement village specific matters of discretion should be included based on MDRS provisions.

The submitter seeks the following amendments:

CCZ-R19 (Additions and alterations to buildings and structures)

...

2. Activity status: Restricted Discretionary

...

1. The matters in CCZ-P4, CCZ-P5, CCZ-P6, CCZ-P7, CCZ-P8 CCZ-P9, CCZ-P10, CCZ-P11 and CCZ-P12 (this clause is not applicable to retirement villages);
- ...
4. The Centres and Mixed-Use Design Guide, ~~including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building~~ (this clause is not applicable to retirement villages); and
5. The Residential Design Guide (this clause is not applicable to retirement villages); and
6. For retirement villages:
 - i. The effects of the retirement village on the safety of adjacent streets or public open spaces;
 - ii. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
 - iii. iii. When assessing the matters in 2(a)(2), and 2(a)(6)(i) –(iii), consider:
 - a. The need to provide for efficient use of larger sites; and
 - b. The functional and operational needs of the retirement village.
 - iv. The positive effects of the construction, development and use of the retirement village.

For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.

Notification status:

...

An application for resource consent made in respect of rule CCZ-R19.2 which results from non-compliance with CCZ-

S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S6, CCZ-S7 and CCZ-S8 is precluded from being publicly notified.

An application for resource consent for a retirement village made in respect of rule CCZ-R19.2 is precluded from being publicly notified.

An application for resource consent for a retirement village made in respect of rule CCZ-R19.2 where compliance is achieved with CCZ-S1 - CCZ-S3 is precluded from being limited notified.

Assessment

420. I acknowledge the submission point in support of this rule [273.318].
421. I note the current omission of a non-notification clause in CCZ-R19.2 and agree with the Council's submission point [266.157] that a non-notification clause should be added to the rule. This provides for buildings that meet the development standards to be assessed without notification, thereby indicating that buildings up to a certain size and that otherwise meet standards relating to amenity (i.e. building depth, outlook) are appropriate within the zone.
422. I disagree with the submission point from Argosy [383.115], Fabric Property Limited [425.63 – 425.71], Oyster Management Limited [404.71 – 404.74], McDonald's [274.65 and 274.66] Retirement Villages Association Incorporated [350.295 – 350.297] with regards to their proposal to remove reference to CCZ-R19.2(a)(i) 'do not alter the external appearance of the building or structure; or' and the other clauses (a). This change does not align with CCZ-O5 (Amenity and design) and associated CCZ-P9 (Quality design outcome), which seeks to ensure quality design outcomes in the CCZ.
423. I consider that without the permitted activity qualifier to not alter the external appearance of buildings, and thus without urban design assessment through a resource consent application process, there is risk of perverse building design outcomes. This in turn could have perverse outcomes for the CCZ, including on the streetscape and amenity of the surrounding environment. My rationale in the paragraph above also applies to McDonald's [274.65 and 274.66] and Retirement Villages Association Incorporated [350.295 – 350.297] submission point that seeks the reference to verandah control, creation of new units and visibility from public spaces be removed. All these controls are important to retain for the purposes of aligning with CCZ-P9 and CCZ-P10 and for the reasons detailed above.
424. I consider that this requirement as notified could potentially result in situations whereby works to upgrade existing buildings are not undertaken due to resource consent requirements. However, I do not consider this would be a significant risk as it is in a building owner's best interest to ensure ongoing maintenance of their buildings. I also note that this is balanced somewhat by maintenance and repair works being a Permitted activity under CCZ-R17.
425. With regards to Argosy's submission point [383.115], Fabric Property Limited [425.63 – 425.71], Investore [405.132 and 405.133], Kāinga Ora [391.727 and 391.728], Precinct Properties New Zealand Limited [139.47 – 139.49], Restaurant Brands Limited [349.195], Willis Bond [416.168] and Retirement Villages Association Incorporated [350.295 – 350.297] seeking that the Centres and Mixed-Use Design Guide (CMUDG) be removed from CCZ-R19.2.4, I would only consider this to be appropriate if the CMUDG was referenced in the necessary policies to ensure the rules hook back to the design guides through the policies. In particular, CCZ-P9 and CCZ-P10 regarding quality design outcomes and on-site residential amenity.
426. I consider that the policy level reference to the CMUDG and Residential Design Guide (RDG) is sufficient for the purposes of effectively implementing CCZ-R19. I note that this change is consistent with the framework in the residential zones and recommended change to the CCZ and

other CMUZ. From a plan mechanics perspective I consider that including reference to the design guides in the matters of discretion is not the best place for these references, instead I consider the policies are a better location for referring to the design guides. This aligns with the residential zones and is a plan location change. I note that this change is subject to other processes underway with regards to the design guides which may have an impact on this. In particular, Minute 15 of the IHP (dated 11 April 2023), directed that the Design Guides, including their scope and content, will also be addressed at the Wrap Up Hearing for Hearing Streams 1 to 5. However, at present in my view moving the references from the matters of discretion to policies is the best approach.

427. Given the CMUZ and RDG will be referenced through CCZ-P9 and CCZ-P10, and there are clear outcomes in these policies and guidelines in the design guides regarding quality design and on-site amenity, I do not consider that Kāinga Ora's and Precinct Properties New Zealand Limited's suggested 'urban design outcomes' are necessary.
428. However, with regards to Kāinga Ora [391.727 and 391.728] and Fabric Property Limited [425.63 – 425.71] I note that the City Outcomes Contribution mechanism submissions is addressed in section 8.10 of the 42A Overview and General Matters Report for Hearing Stream 4.
429. I disagree with Kāinga Ora's [391.727 and 391.728] suggestion to remove reference to CCZ-S10, CCZ-S11 and CCZ-S12. I consider this change to be inappropriate as resource consent applications for additions and alterations still need to provide for these mechanisms. Additions and alterations to existing buildings need to still ensure building depth is maintained, separation is provided and that outdoor living space requirements can be met to ensure good on-site amenity outcomes. I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change in this respect.
430. I disagree with Paul Burnaby's [44.15 and 44.16] request to remove the preclusion for limited notification. I consider there may be circumstances where standards are breached and substantial effects on adjoining sites warrant limited notification. For example, if a development next to Old St Paul's Church proposed a substantial breach of the adjoining site specific building height.
431. I disagree with the Retirement Villages Association Incorporated [350.295 – 350.297] that a set of retirement village specific matters of discretion should be include based on MDRS provisions. I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change as part of this report. I agree that retirement villages should be a permitted activity, noting that development or additions or alterations still trigger the need for a resource consent under CCZ-R19 and CCZ-R20. However, I do not consider that specific carve out matters of discretion should be provided for retirement villages above any other activity. There is no proof or justification for this. Instead, as recommended in paragraphs 98 and 99 of the Hearing Stream 1 S42A report³², they should be treated as residential activities.
432. I disagree with the proposed changes from the Retirement Village Association Incorporated [350.295 – 350.297] to CCZ-19.2 (except for the removal of the reference to CMUDG). I consider these changes to be inappropriate and do not see from an equity of activities focus, why retirement villages should be afforded exemptions to having to consider CCZ policies, design guide consideration, design quality outcome consideration or notification above and beyond any other activity. I do not believe they have reason for special dispensation, and the provision should remain general without referencing specific activities so that they can apply to a wide range of activities in the CCZ, as per CCZ-O1 and the purpose of the zone.

Summary of recommendations

³² Wellington City Council, [Hearing Stream 1 Right of Reply 2023](#)

433. HS4-P1-CCZ-Rec83: That submission points relating to CCZ-R19 (Alterations and additions to buildings and structures) are accepted/rejected as detailed in Appendix B.

434. HS4-P1-CCZ-Rec84: That CCZ-P9 (Quality Design Outcomes) is amended as follows:

CCZ-P9	<p>Quality Design Outcomes Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of City Centre Zone by:</p> <p><u>1. Meeting the requirements of the Centres and Mixed Use Design Guide:</u></p> <p><u>24.</u> Recognising the benefits of well-designed, comprehensive, development, including the extent to which the development:</p> <ul style="list-style-type: none"> a. Acts as a catalyst for future change by reflecting the nature and scale of the development proposed within the zone and in the vicinity and responds to the evolving, more intensive identity of the neighbourhood; b. Optimises the development capacity of the land, particularly sites that are: <ul style="list-style-type: none"> i. Large; or ii. Narrow; or iii. Vacant; or iv. Ground level parking areas; c. Provides for the increased levels of residential accommodation anticipated; and d. Provides for a range of supporting business, open space and community facilities; and <p>2. Ensuring that development, where relevant:</p> <ul style="list-style-type: none"> a. Responds to the site context, particularly where it is located adjacent to: <ul style="list-style-type: none"> i. A scheduled site of significance to Māori; ii. A heritage building, heritage structure or heritage area; iii. An identified character precinct; iv. A listed public space; v. Identified pedestrian streets; vi. Residential zones; vii. Open space zones; and viii. The Waterfront Zone; b. Responds to the pedestrian scale of narrower streets; c. Responds to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings; d. Provides a safe and comfortable pedestrian environment; e. Enhances the quality of the streetscape and the private/public interface; f. Integrates with existing and planned active and public transport activity movement networks, including planned rapid transit stops; and g. Allows sufficient flexibility for ground floor space to be converted to a range of activities, including residential along streets that are not subject to active frontage and/or verandah coverage requirements and sites free of any identified natural hazard risk.
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435. HS4-P1-CCZ-Rec85: That CCZ-P10 (On-site residential amenity) be amended as follows:

CCZ-P10	<p>On-site residential amenity</p> <p>Achieve a high standard of amenity for residential activities that reflects and responds to the evolving, higher density scale of development anticipated in the City Centre Zone, including:</p> <ol style="list-style-type: none"> 1. Providing residents with access to an adequate outlook; and 2. Ensuring access to convenient outdoor space, including private or shared communal areas; 3. <u>Meeting the requirements of the Residential Design Guide, as relevant.</u>
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436. HS4-P1-CCZ-Rec86: That CCZ-R19 be amended as follows:

CCZ-R19	Alterations and additions to buildings and structures
<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with any of the requirements of CCZ-R19.1 cannot be achieved. <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in CCZ-P4, CCZ-P5, CCZ-P6, CCZ-P7, CCZ-P8, CCZ-P9, CCZ-P10, CCZ-P11 and CCZ-P12; 2. The extent and effect of non-compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12, and CCZ-S13, <u>CCZ-SX (Fences and standalone walls), CCZ-SX (Boundary setback from rail corridor) and CCZ-SX (Sites adjoining residential zones);</u> 3. Construction impacts on the transport network; 4. The Centres and Mixed-Use Design Guide, including guideline G107—City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building; and 5. The Residential Design Guide. <p>Notification status:</p> <p><u>An application for resource consent made in respect of rule CCZ-R19.2.a that complies with all standards is precluded from being either publicly or limited notified.</u></p> <p>An application for resource consent made in respect of rule 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 (ISPP)

Matters raised by submitters

437. FENZ [273.319] supports CCZ-R20 as notified.

438. Precinct Properties New Zealand Limited [139.50] supports the preclusion of limited and public notification under CCZ-R20.2. Precinct Properties New Zealand Limited [139.51] and Investore

[405.134 and 405.135 (supported in part by the Retirement Villages Association FS126.105, FS126.106 and Ryman FS128.105, FS128.106)] seek to amend CCZ-R20 so that the references to the design guides in the matters of discretion are removed and replaced with references to the specific design outcomes that are sought.

439. Argosy [383.116 (supported in part by the Retirement Villages Association FS126.12 and Ryman FS128.12)] seeks reference to the CMUDG is removed as follows:

CCZ-R20 (Construction of buildings and structures)

2. Activity status: Restricted Discretionary

...

Matters of discretion are:

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 for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building;

440. Kāinga Ora [391.729] supports the preclusion of public and limited notification. Kāinga Ora [391.730 (supported in part by the Retirement Villages Association FS126.164 and Ryman FS128.164)] seeks amendments to remove direct references to the design guide and the City Outcomes Contribution and instead seeks that urban design outcomes are articulated. The submitter seeks the amendments as follows:

CCZ-R20 (Construction of buildings and structures)

1. Activity status: Restricted Discretionary

Where:

- a. Compliance with any of the requirements of CCZ-R20.1, excluding CCZ-S4, cannot be achieved.

Matters of discretion are:

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 following urban design outcomes
 - a. Provides an effective public private interface;
 - b. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood; and
 - c. Provides high quality buildings;
4. ~~The Centres and Mixed Use Design Guide, including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building;~~
5. ~~The Residential Design Guide;~~

...

441. Stratum Management Limited [249.30 – 249.32 (opposed by WCCT FS82.152 and LIVE WELLington FS96.48)]:

- a. Supports the first notification status;
- b. Seeks that CCZ-S1 is removed from the second notification status;
- c. Seeks an additional non-notification statement for a situation where all standards are complied with; and
- d. Seeks a minor change to matter of discretion (3) to clarify its applicability.

The changes sought by the submitter are shown below.

CCZ-R20 (Construction of buildings and structures)

2. Activity status: Restricted Discretionary

Where:

- a. Compliance with any of the requirements of CCZ-R20.1, excluding CCZ-S4, cannot be achieved.

Matters of discretion are:

...

3. The Centres and Mixed-Use Design Guide, including guideline G107 - City Outcomes Contribution for any building that does not meet the minimum height requirements, or exceeds the maximum height requirement and either comprises 50 or more residential units or is a non residential building;

...

Notification status:

An application for resource consent made in respect of rule R20.2.a which does not result in any non-compliances with the listed standards is precluded from being either publicly or limited notified.

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.

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.

442. Fabric Property Limited [425.72 - 425.80]:

- a. Is opposed to the 'City Outcomes Contributions' provisions, specifically opposed to requiring it for over height development. The submitter notes these should be considered on their own merits and effects;
- b. Supports the preclusion of limited and public notification and permitted activity status for activities that comply with the specified conditions;
- c. Seeks that references to Design Guides and CCZ-P11 in the matters of discretion are removed and replaced with references to specific design outcomes that are sought; and
- d. Seeks clarification on the "extent and effect of any identifiable site constraints" in the matters of discretion by either deleting or amending to identify the types of constraints which may be relevant.

CCZ-R20 (Construction of buildings and structures)

3. Activity status: Restricted Discretionary

Where:

- b. Compliance with any of the requirements of CCZ-R20.1, excluding CCZ-S4, cannot be achieved.

Matters of discretion are:

1. The matters in CCZ-P4, CCZ-P5, CCZ-P6, CCZ-P7, CCZ-P8, CCZ-P9, CCZ-P10, ~~CCZ-P11~~ and CCZ-P12;
- ...
- ~~3. The Centres and Mixed Use Design Guide, including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 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;~~
- ...

Notification status:

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.

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.

443. Restaurant Brands Limited [349.196] seeks that CCZ-R20 is amended to delete matter of discretion (3) under the Restricted Discretionary section.

444. Wellington City Council [266.158] (supported in part by the Retirement Villages Association [FS126.246] and Ryman [FS128.246]) seeks that CCZ-R20 notification status is amended to add the following statement:

CCZ-R20 (Construction of buildings and structures)

...

Notification status:

An application for resource consent made in respect of rule CCZ-R20.2.a which complies with all standards is precluded from being either publicly or limited notified.

...

445. Willis Bond [416.169 and 416.170] (supported by Retirement Villages Association [FS126.259, FS126.277, FS126.274, FS126.278] and Ryman [FS128.259, FS128.277, FS128.274, FS128.278]):

- a. Consider the design guides should be non-statutory;
- b. Notes that the City Outcomes Contribution will not be required if height limits are removed;
- c. Considers 'the extent of any identifiable site constraints' is vague and will be difficult to apply;
- d. Notes that the impacts of construction activity on the transport network should not

be relevant in the resource consenting process; and

- e. Considers the matter relating to three waters should be managed via development/financial contributions.

The submitter seeks the following amendments:

CCZ-R20 (Construction of buildings and structures)

2. Activity status: Restricted Discretionary

Where:

- a. Compliance with any of the requirements of CCZ-R20.1, excluding CCZ-S4, cannot be achieved.

Matters of discretion are:

...

- ~~3. The Centres and Mixed Use Design Guide, including guideline G107 City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building;~~
- ~~4. The Residential Design Guide;~~
- ~~5. The extent and effect of any identifiable site constraints;~~
- ~~6. The impacts of related construction activities on the transport network; and~~
- ~~7. The availability and connection to existing or planned three waters infrastructure.~~

Notification status:

An application for resource consent made in respect of Rule 20.2.a which complies with CCZ-S1 to S13 is precluded from being either publicly or limited notified.

...

446. The Retirement Villages Association [350.298 - 350.300]:

- a. Supports the rule and the permitted of construction of buildings when complying with relevant built form standards, and the triggering of more restrictive activity statuses based on non-compliance with relevant standards; and
- b. Considers construction of retirement villages should be a restricted discretionary activity and should have its own focused matters of discretion.

447. The submitter seeks the following amendments:

CCZ-R20 (Construction of buildings and structures)

...

3. Activity status: Restricted Discretionary

Where:

- a. The application is for a retirement village.

Matters of discretion are:

1. The matters in CCZ-P1, CCZ-P2, CCZ-P3, CCZ-P5, CCZ-P6, CCZ-P7, CCZ-P8 CCZ-P9, CCZ-P10 and CCZ-P13;
2. The extent and effect of any identifiable site constraints;
3. The impacts of related construction activities on the transport network;;
4. The availability and connection to existing or planned three waters infrastructure;
5. The effects of the retirement village on the safety of adjacent streets or public open spaces;
6. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
7. When assessing the matters in 1 -4, consider:
 - a. The need to provide for efficient use of larger sites; and
 - b. The functional and operational needs of the retirement village;
8. The positive effects of the construction, development and use of the retirement village.

For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.

Notification:

An application for resource consent for a retirement village made in respect of rule CCZ-R20.3 is precluded from being publicly notified.

An application for resource consent for a retirement village made in respect of rule CCZ-R20.3 where compliance is achieved with CCZ-S1, CCZ-S2, CCZ-S3 is precluded from being limited notified.

448. Woolworths [359.87 - 359.89] (supported in part by Foodstuffs [FS23.24, subject to 476.57 being rejected]):

- a. Considers the rule should be amended to establish a baseline for supermarket operations that is greater than the current threshold of 100m² for new buildings on account of the general operational requirements of the stores. The submitter seeks a baseline of 450m², which they consider is a commensurate response given the typical scale of supermarket buildings in this zone;
- b. Considers that CCZ-R20.2 should be amended to reflect changes to standard CCZ-S4 which would exclude supermarkets from compliance with the minimum building height standard; and
- c. Has concerns around the inclusion of the CMUDG within these matters of discretion and seeks this is excluded from matters of discretion for new supermarket buildings.

The amendments sought by the submitter are as follows:

CCZ-R20 (Construction of buildings and structures)

1. Activity status: Permitted

Where:

a. It involves the construction of any new building or structure that:

- i. Will have a gross floor area of 100m² or less; and
- ii. Will have a gross floor area of less than 450m² where it accommodates a supermarket; and
- iii. Will result in a building coverage of no more than 20 percent; and

b. 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.

2. Activity status: Restricted Discretionary

Where:

- a. For all buildings except supermarkets, compliance with any of the requirements of CCZ-R20.1, excluding CCZ-S4, cannot be achieved.
- b. For supermarkets compliance with any of the requirements of CCZ-R20.1, cannot be achieved.

Note: Supermarkets are not required to comply with CCZ-S4.

Matters of discretion are:

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 ~~6107~~ 97 - City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building (excluding supermarkets);
4. The Residential Design Guide;
5. The extent and effect of any identifiable site constraints;
6. The impacts of related construction activities on the transport network; and
7. The availability and connection to existing or planned three waters infrastructure.

3. Activity Status: Discretionary

Where:

a. Compliance with the requirements of CCZ-S4 cannot be achieved, unless the development is a supermarket.

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.

449. Oyster Management Limited [404.75 and 404.76] seeks that CCZ-R20.2 Matters of Discretion are amended to either clarify what types of site constraints may be relevant according to Matter of Discretion 5, or amended as follows:

CCZ-R20 (Construction of buildings and structures)

...

4. The Residential Design Guide;
5. ~~The extent and effect of any identifiable site constraints;~~
6. The impacts of related construction activities on the transport network; and
7. The availability and connection to existing or planned three waters infrastructure.

...

Assessment

450. I acknowledge FENZ's [273.319] submission point seeking to retain CCZ-R20 as notified.
451. With regards to Precinct Properties New Zealand Limited's [139.50], Argosy's [383.116], Kāinga Ora's [391.729], Fabric Property Limited [425.72 - 425.80], Restaurant Brands Limited [349.196] and Woolworths [359.87 - 359.89] submission point seeking that the CMUDG be removed from CCZ-R19.2.4, I would only consider this to be appropriate if the CMUDG was referenced in the necessary policies to ensure the rules hook back to the design guides through the policies. In particular, CCZ-P9 and CCZ-P10 regarding quality design outcomes and on-site residential amenity. I refer to my reasoning in paragraphs 425 – 427 of this report.
452. I consider that the policy level reference to the CMUDG and Residential Design Guide (RDG) as sought in HS4-P1-CCZ-Rec84 and HS4-P1-CCZ-Rec85 recommendations is sufficient for the purposes of effectively implementing CCZ-R19. I note that this change is consistent with the framework in the residential zones and recommended change to the CCZ and other CMUZ. Given the CMUZ and RDG will be referenced through CCZ-P9 and CCZ-P10, and there are clear outcomes in these policies and guidelines in the design guides regarding quality design and on-site amenity, I do not consider that Precinct Properties New Zealand Limited's, Fabric Property Limited [425.72-425.80] and Kāinga Ora's [391.729] suggested 'urban design outcomes' are necessary.
453. In response to Kāinga Ora [391.729], Fabric Property Limited [425.72 - 425.80] and Willis Bonds' [416.169 and 416.17] submission points seeking to remove reference to CCZ-P11 City Outcomes Contribution, I note that the City Outcomes Contribution mechanism submissions is addressed in section 8.10 of the 42A Overview and General Matters Report for Hearing Stream 4.
454. I disagree with Kāinga Ora's [391.729] suggestion to remove reference to CCZ-S10, CCZ-S11 and CCZ-S12. I consider this change to be inappropriate as resource consent applications for additions and alterations still need to provide for these mechanisms. Additions and alterations to existing buildings need to still ensure building depth is maintained, separation is provided and that outdoor living space requirements can be met to ensure good on-site amenity outcomes. I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change in this respect.
455. In response to Stratum Management Limited's and Wellington City Council [266.158] submission point [249.30 – 249.32] regarding notification clauses, I agree with regards to the addition of a non-notification statement for situations where all standards are complied with under CCZ-R20.2. This provides for buildings that meet the development standards to be assessed without notification, thereby indicating that buildings up to a certain size and that otherwise meet standards relating to amenity (i.e. building depth, outlook) are appropriate within the zone.
456. I do not agree with Stratum's suggestion to delete CCZ-S1 from the second notification clause as I consider that it is important to retain the ability to limited notify an application if it creates a substantial height exceedance beyond the height limits listed in CCZ-S1. Such exceedances could adversely impact adjoining sites, and it is important Council resource consent planners still have discretion to consider limited notification. However, I consider that Stratum's suggested amendment to the third matter of discretion to detail 'does not meet the minimum height requirements' is appropriate as it aligns with the policy direction in CCZ-P11 and includes all the hooks for when City Outcome Contribution is required.
457. I disagree with Fabric Property Limited's [425.72 – 425.580], Willis Bond's submission point [416.169 and 416.170] and Oyster Management Limited [404.75 and 404.76] regarding their suggestion to remove clause 5 regarding 'the extent and effect of any identifiable site constraints'. I consider that it is important to retain this matter of discretion to provide for site considerations which may limit the extent of possible development capacity on a site, for example

ground conditions. However, I also think it is important to retain ‘extent and effect’ because this provides sufficient discretion for a consent planner to understand the scale and impacts of a site constraint.

458. In response to Willis Bond’s [416.169 and 416.170] submission point I note that the statutory status has been discussed in the S42A report for Hearing Stream 2 on page 8-11 and in Dr Zarmani’s evidence on pages 5-6. I disagree with the submitter, and consider that the design guides should remain as statutory documents. I disagree with the submitter regarding their suggestion to remove clause (6) and clause (7) of CCZ-R20.2. In my view it is important to consider, plan for and mitigate any adverse effects on the transport network from construction to ensure effects upon the roading network and pedestrian movements are mitigated as far as possible, and that consent planners have the discretion to consider this.
459. With regards to clause (7), it is fundamental to ensure that developments can be adequately serviced by existing or planned three waters infrastructure. The city has identified three waters constraints that are discussed in the S32 report for the Three Waters chapter³³. The Spatial Plan³⁴ sets out a staged investment plan for replacement or additional three waters investment. Council has already faced issues with development proposals in areas that have identified three waters concerns and its important this is a matter for which consent planers can consider during the resource consent application process.
460. I disagree with the Woolworths submission points on CCZ-R20 [359.87 - 359.89]. Dr Kirdan Lees in his statement of evidence³⁵ in section 2.3 discusses the Grocery Industry Competition Bill and its implications for supermarkets and the promotion of spatial competition. Dr Lees discusses Woolworth’s submission point, noting that there are pros and cons associated with the submitter’s suggested increased in permitted development size. Dr Lees considers that this scale would not appear to reduce urban amenity, and a supermarket of this scale might be expected to improve choice for residents.
461. However, I do not consider it to be necessary to establish a baseline supermarket operation permitted threshold in the CCZ. I note that the supermarket activities of any size are permitted under CCZ-R1. The purpose of the District Plan policy framework is not to discourage large scale supermarket activities, but rather to ensure that developers work with the Council (specifically the Urban Design Team) to ensure high quality building outcomes that enhance the quality of the centre. Without this assessment new buildings, including supermarket buildings, have the potential to generate adverse effects on the centre they are located in – such as a lack of interaction with the public realm and adverse visual effects.

Summary of recommendations

462. HS4-P1-CCZ-Rec87: That submission points relating to CCZ-R20 (Construction of buildings and structures) are accepted/rejected as detailed in Appendix B.
463. HS4-P1-CCZ-Rec88: That CCZ-R20 (Construction of buildings and structures) be amended as follows:

CCZ-R20	Construction of buildings and structures
	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p>

³³ Wellington City Council, [Section 32 Evaluation Report: Part 2: Three Waters](#)

³⁴ Wellington City Council, [Our City Tomorrow: A Spatial Plan for Wellington City](#), 24 June 2021

³⁵ Hearing Stream 4, Dr Kirdan Lees’s Statement of Evidence, 2023

- a. Compliance with any of the requirements of CCZ-R20.1, excluding CCZ-S4, cannot be achieved.

Matters of discretion are:

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~~, CCZ-SX (Fences and standalone walls), CCZ-SX (Boundary setback from rail corridor) and CCZ-SX (Sites adjoining residential zones);
- ~~3. The Centres and Mixed-Use Design Guide, including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building;~~
- ~~4. The Residential Design Guide;~~
5. The extent and effect of any identifiable site constraints;
6. The impacts of related construction activities on the transport network; and
7. The availability and connection to existing or planned three waters infrastructure.

Notification status:

An application for resource consent made in respect of rule CCZ-R20.2.a which complies with all standards is precluded from being either publicly or limited notified.

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.

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.

CCZ-R21 – Conversion of buildings, or parts of buildings, for residential activities (P1 Sch1)

Matters raised by submitters

464. Argosy [383.117] supports CCZ-R21 as notified.

465. FENZ [273.320 and 273.321] supports the rule as the matters of discretion include the availability and connection to existing or planned three waters infrastructure, particularly where this may involve the conversion of non-habitable rooms to residential use. The submitter seeks an amendment to include the necessity to connect to three waters infrastructure including for the purposes of firefighting, as follows:

CCZ-R21 (Conversion of buildings, or parts of buildings, for residential activities)

...

Matters of discretion are:

...

- ~~3. The relevant guidance contained within the Residential Design Guide; and~~
- ~~4. The availability and connection to existing or planned three waters infrastructure; and~~
5. The availability and connection to existing or planned three waters infrastructure, including for firefighting purposes.

466. Investore [405.136 and 405.137 (supported in part by the Retirement Villages Association FS126.107, FS126.108 and Ryman FS128.107, FS128.108)] seeks that CCZ-R21 is amended to remove Design Guides as matters of discretion and replace them with specific outcomes, with no specific recommendation. Kāinga Ora [391.731 and 391.732] supports the rule in part, and in particular supports the notification preclusion. The submitter also seeks that reference to the design guide is removed and design outcomes are articulated as follows:

CCZ-R21 (Conversion of buildings, or parts of buildings, for residential activities)

Matters of discretion are:

1. The matters in CCZ-P1, CCZ-P4 and CCZ-P10;
2. The extent of compliance with standards CCZ-S9, ~~CCZ-S10~~ and CCZ-S13 and satisfaction of associated assessment criteria;
3. ~~The relevant guidance contained within the Residential Design Guide;~~ The following centres urban design outcomes:
 - a. Provides an effective public private interface;
 - b. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;
 - c. Provides high quality buildings; and
4. The availability and connection to existing or planned three waters infrastructure.

467. Willis Bond [416.171 (supported in part by the Retirement Villages Association FS126.260, FS126.279 and Ryman FS128.260, FS128.279)] also seeks to remove reference to Design Guides and seeks that the matter of discretion (4) is also removed as it should be managed via development contributions/financial contribution. Their amendment is as follows:

CCZ-R21 (Conversion of buildings, or parts of buildings, for residential activities)

Matters of discretion are:

...

- ~~3. The relevant guidance contained within the Residential Design Guide; and~~
- ~~4. The availability and connection to existing or planned three waters infrastructure.~~

468. Oyster Management Limited [404.77 and 404.78] seeks that CCZ-R21 is amended to provide for conversion of office to residential as either a permitted, controlled or restricted discretionary activity subject to compliance with appropriate standards (permitted), or appropriate matters of control and discretion (controlled and restricted discretionary). The submitter also seeks that the notification status is retained for all activity statuses.

Assessment

469. I acknowledge the submission points in support of this rule [383.117, 404.78].

470. Regarding the submission point from FENZ [273.320, 273.321], matters relating to fire-fighting servicing are provided for under the Building Code³⁶. Consequently, in accordance with procedural principle 18(b)(i) of the RMA, they are irrelevant for the purposes of the Act and correspondingly the PDP.

471. In response to submissions on the design guides and replacing with matters of discretion

³⁶ [C5 Access and safety for firefighting operations | Building Performance](#)

[405.136, 405.137, FS126.107, FS126.108, FS128.107, FS128.108, 391.731, 391.732], as discussed previously in paragraphs 425 – 427 and 451-452 of this report, I am of the opinion that reference to the RDG should rightly sit within CCZ-P10 instead of the rule framework for the reasons outlined in these paragraphs. Changes to policies are recommended in this report through HS4-P1-CCZ-Rec84 and HS4-P1-CCZ-Rec85. This would also, in my view, avoid unnecessary duplication given there is already a requirement to consider CCZ-P10 as a matter of discretion. However, I disagree with that part of these submissions seeking the addition of specific design outcomes to the rule given that a RDG assessment is still required and that quality design outcomes are addressed in CCZ-P9 and CCZ-P10.

472. I also disagree with Kāinga Ora’s [391.731 and 391.732] proposed amendment to remove reference to CCZ-S10 in CCZ-R21. I consider it is important that consideration is provided for providing adequate private or communal outdoor living space given the rule relates to conversion of a building for residential activities.
473. Regarding the submission from Willis Bond, the assessment above is relevant in regard to the RDG. Regarding the matter of discretion for the availability and connection to existing or planned three waters infrastructure, it is fundamental to ensure that developments can be adequately serviced by existing or planned three waters infrastructure. The city has identified three waters constraints and these are discussed in the S32 report for the Three Waters chapter³⁷. The Spatial Plan³⁸ sets out a staged investment plan for replacement or additional three waters investment. Council has already faced issues with development proposals in areas that have identified three waters concerns and it’s important this is a matter consent planers can consider during the resource consent process.
474. I do not consider it to be appropriate to allow for conversion of a building for residential activities as a permitted activity, as per the suggestion from Oyster Management Limited [404.77 and 404.78]. I consider that a restricted discretionary activity enables the necessary urban design and planning assessment required to assess the effects and design of a building conversion to residential activities. This includes ensuring a conversion adequately provides for residential amenity requirements detailed in CCZ-S9, CCZ-S10 and CCZ-S13 as well as CCZ-P10, as well as design guideline considerations under the RDG.

Summary of recommendations

475. HS4-P1-CCZ-Rec89: That submission points relating to CCZ-R21 (Conversion of buildings, or parts of buildings, for residential activities) are accepted/rejected as detailed in Appendix B.
476. HS4-P1-CCZ-Rec90: That CCZ-R21 be amended as follows:

CCZ-R21	Conversion of buildings, or parts of buildings, for residential activities
	<p>1. Activity status: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in CCZ-P1, CCZ-P4 and CCZ-P10; 2. The extent of compliance with standards CCZ-S9, CCZ-S10 and CCZ-S13 and satisfaction of associated assessment criteria; 3. The relevant guidance contained within the Residential Design Guide; and

³⁷ Wellington City Council, [Section 32 Evaluation Report: Part 2: Three Waters](#)

³⁸ Wellington City Council, [Our City Tomorrow: A Spatial Plan for Wellington City](#), 24 June 2021

~~4-3~~ The availability and connection to existing or planned three waters infrastructure.

Notification status: An application for resource consent made in respect of rule CCZ-R21.1 is precluded from being either publicly or limited notified.

CCZ-R22 – Outdoor storage areas (P1 Sch1)

Matters raised by submitters

477. FENZ [273.322 and 273.323] considers it important that screening of outdoor storage areas as a visual mitigation will not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves or other emergency response facilities. The submitter seeks the following amendments:

CCZ-R22 (Outdoor storage areas)

..

Activity status: Permitted

...

b. Screening does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

Assessment

478. I acknowledge the submission points from FENZ [273.322 and 273.323]. I consider that the prescribed exemption to outdoor storage area screening is appropriate, in order to allow FENZ to carry out their operational and functional requirements in emergency responses.

Summary of recommendations

479. HS4-P1-CCZ-Rec91: That submission points relating to CCZ-R22 (Outdoor storage areas) are accepted/rejected as detailed in Appendix B.

480. HS4-P1-CCZ-Rec92: That CCZ-R22 be amended as follows:

CCZ-R22	Outdoor storage areas
	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none">a. The storage area is screened by either a fence or landscaping of 1.8m in height from any adjoining road or site.b. <u>Screening does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.</u>

CCZ-S1 – Maximum height (ISPP)

Matters raised by submitters

481. Oyster Management Limited [404.2, 404.45] considers that the 90m Height Control Overlay should extend over 141 The Terrace, 294 and 298 Lambton Quay so it is contiguous with the height control applying to 312 Lambton Quay and other sites to the south.
482. Oyster Management Limited [404.3] seeks that the 75m Height Control Area extent is retained as notified.

483. Guy Marriage [407.5 (supported by WCCT FS82.162)] seeks to amend the building heights in Te Aro so that they are restricted to 5 - 6 storeys, with the occasional 9 storey towers.
484. Catherine Penetito [474.4, 474.5, 474.6 and 474.7 (supported by Wellington Civic Trust FS83.18, FS83.19, FS83.20 and FS83.21)] seeks that the building height zones adjacent to the following items in SCHED1 – Heritage Buildings are reconsidered to ensure they are not overshadowed:
- a. Item 40 (National War Memorial and Carillon)
 - b. Item 41 (National/Dominion Museum and National Art Gallery (former))
 - c. Item 42 (Home of Compassion Crèche (former))
 - d. Item 424 (Army Headquarters (former))
485. Wellington City Youth Council [201.35, 201.36], FENZ [273.324], James Coyle [307.23], Restaurant Brands [349.197] and Oyster Management Limited [404.80] support CCZ-S1 as notified.
486. Conor Hill [76.24], Nico Maiden [77.4], Stratum Management Limited [249.33], Generation Zero Inc [254.17] and Paihikara Ki Pōneke Cycle Wellington [302.48], Willis Bond [416.181, 416.182], Andrew Flanagan [198.12 and 198.18], and Reading Wellington Properties Limited [441.6] oppose CCZ-S1 and seeks that it is deleted in its entirety. Darko Petrovic [124.1] seeks the removal of all height limits in all sections of the Central CBD area to the extent that they do encroach on Viewshafts.
487. VicLabour [414.45, 414.46] and Fabric Property Limited [425.81 and 425.82 (opposed by Wellington Civic Trust FS83.1, FS83.2)] seek that maximum height limits in the CCZ are removed and unlimited height limits are introduced. Kāinga Ora [391.733 (opposed by GWRC FS84.50), 391.734 (opposed by WCCT FS82.130, GWRC FS84.128, LIVE WELLington FS96.40 and Roland Sapsford FS117.39)] seeks that CCZ-S1 is amended as follows:

<p>CCZ-S1 (Maximum height)</p> <p><u>There is no maximum height for buildings and structures in the City Centre Zone</u></p> <p>Location Limit</p> <p>a. Height Control Area 1 – Thorndon Quay 35.4m</p> <p>b. Height Control Area 2 – Waterloo Quay section 50m</p> <p>c. Height Control Area 3 – Bulk of Thorndon 27m</p> <p>d. Height Control Area 4 – Mid and Upper Molesworth Street 43.8m</p> <p>e. Height Control Area 5 – CBD East 48.5m – 95m</p> <p>f. Height Control Area 6 – CBD West 75m – 95m</p> <p>g. Height Control Area 7 – Eastern Edge of the CBD 42.5m</p> <p>h. Height Control Area 8 – Te Aro 42.5m</p> <p>i. Height Control Area 9 – South East, South West Zone Edge Adelaide Road 28.5m</p> <p>j. Height Control Area 10 – Adelaide Road 42.5m</p>

488. Kāinga Ora [391.25 (opposed by GWRC FS84.23, LIVE WELLington FS96.4, Roland Sapsford FS117.4)] seeks to delete any mapping references to height limits in the CCZ.

489. Kāinga Ora [391.688 and 391.689 (opposed by Ann Mallinson FS3.33, Oriental Bay Residents Association FS13.8, Ruapapa Limited FS18.10, Scott Galloway and Carolyn McLean FS19.8, Jenny Gyles FS53.8, Helen Foot FS62.35, GWRC FS84.49, WCCT FS82.108, LIVE WELLington FS96.38, Roland Sapsford FS117.37)] seeks that the CCZ add a height control of:
- a. 43m within a 400m walkable catchment of a City Centre Zone
 - b. 36m within a 400-1500m walkable catchment of a City Centre Zone.
490. The submitter also notes that there may be a number of other consequential changes needed to standards to give effect to these height adjustments noted in this submission such as increasing height in associated wind and daylight standards.
491. Andrew Haddleton [23.3 and 23.4] seeks that the allowable building height on the Courtenay Place end of Kent Terrace be amended to 18m.
492. Paul Burnaby [44.2 and 44.17 (opposed by WCCT FS82.153)] seeks that the height control at 110 Wakefield St (West Plaza Hotel) be amended to 73m.
493. Moir Street Collective [312.7 (opposed by Historic Places Wellington Inc FS111.89 and WCCT FS82.204), 312.8] including some of the following: Juliet Cooke [68.3], James and Karen Fairhall [160.6, 160.7], Karen and Jeremy Young [162.7, 162.8], Kane Morrison and Jane Williams [176.7, 176.8], Athena Papadopoulos [183.6, 183.7], Lara Bland [184.6, 184.7], Geoff Palmer [188.6, 188.7], Dougal and Libby List [207.7, 207.8], Craig Forrester [210.8], Jane Szentivanyi [376.6, 376.7], Chrissie Potter [446.6], Dorothy Thompson [449.6] and Tracey Paterson [74.4] seek that CCZ-S1 is amended as follows:

CCZ-S1 (Maximum height)

The following maximum height limits must be complied with (measured above ground level unless otherwise specified):

...

k. Height Control Area 11 - Eastern side of Hania St 15m

494. Moir Street Collective [312.6 (opposed by Historic Places Wellington Inc FS111.88)] including some of the following: Tracey Paterson [74.3], Kane Morison and Jane Williams [176.6], Athena Papadopoulos [183.5], Lara Bland [184.5], Geoff Palmer [188.5], Dougal and Libby List [207.6], Craig Forrester [210.7], Chrissie Potter [446.5], Dorothy Thompson [449.5] and Karen and Jeremy Young [162.6] opposes CCZ-S1 Height Area 9 – South East, South West Zone Edge.
495. Te Herenga Waka Victoria University of Wellington [106.10] seeks that CCZ-S1 is amended as follows:

CCZ-S1 (Maximum height)

...

Location

a. Height Control Area 1 – Thorndon Quay (except Rutherford House site (23 Lambton Quay))

Limit

35.4m (Rutherford House site (23 Lambton Quay) - 56m)

496. Darko Petrovic [124.2, 124.3] seeks that CCZ-S1 is amended to remove Height Control Area 5 (CBD East) and Height Control Area 6 (CBD West).
497. Precinct Properties New Zealand Limited [139.52 (opposed by WCCT FS82.131) and 139.53] seeks that CCZ-S1 is amended to provide unlimited building heights in the City Centre zone, or if that is rejected, amend CCZ-S1 to allow build heights at least as great as that of existing buildings.
498. Jill Wilson [218.4] opposes CCZ-S1 to the extent that it applies to Wakefield and Cable Street.
499. Century Group Limited [238.21] considers the lack of an unlimited height control, or at least an increase in the height limits throughout the CCZ is inconsistent with Policy 3(a) of the NPS-UD. The submitter seeks that CCZ-S1 is amended as follows:

CCZ-S1 (Maximum height)

Location

b. Height Control Area 2 - Waterloo Quay Section

Limit

50m-Unlimited

500. Wheeler Grace Trust [261.3], and Eldin Family Trust [287.7] seek that CCZ-S1 is amended so that Selwyn terrace, Thorndon does not have a 27m maximum building height (Height Control Area 3).
501. 170 Wakefield Limited [267.1 (opposed by WCCT FS82.154)] seeks that CCZ-S1 is amended as follows:

CCZ-S1 (Maximum height)

Location

g. Height Control Area 7– Eastern edge of CBD

Limit

43.8m60m

502. Wellington Branch NZIA [301.11 (opposed by WCCT FS82.163) and 301.12] opposes Height Control Area 8 – Te Aro.
503. Peter Kennedy [353.1 and 353.2] supports that the properties at 25 and 25A Taranaki Street are subject to the height control of 42.5m above ground level. The submitter also considers the height restriction of 42.5m should be removed and seeks that CCZ-S1 is amended as follows:

CCZ-S1 (Maximum height)

Location

h. Height Control Area 8 – Te Aro

Limit

42.5-60m

504. U.S. Embassy Wellington [366.1 (supported by Thorndon Residents' Association Inc FS69.29), 366.2 and 366.3] is concerned about any structure adjacent to the United States Embassy being built to a height of 27m, particularly without any requirement for the Embassy to be notified of and consent to the proposed building for security reasons. The submitter seeks that CCZ-S1 is amended so that properties identified on a map (Figure 13) surrounding the United States Embassy have a maximum height of 10m.

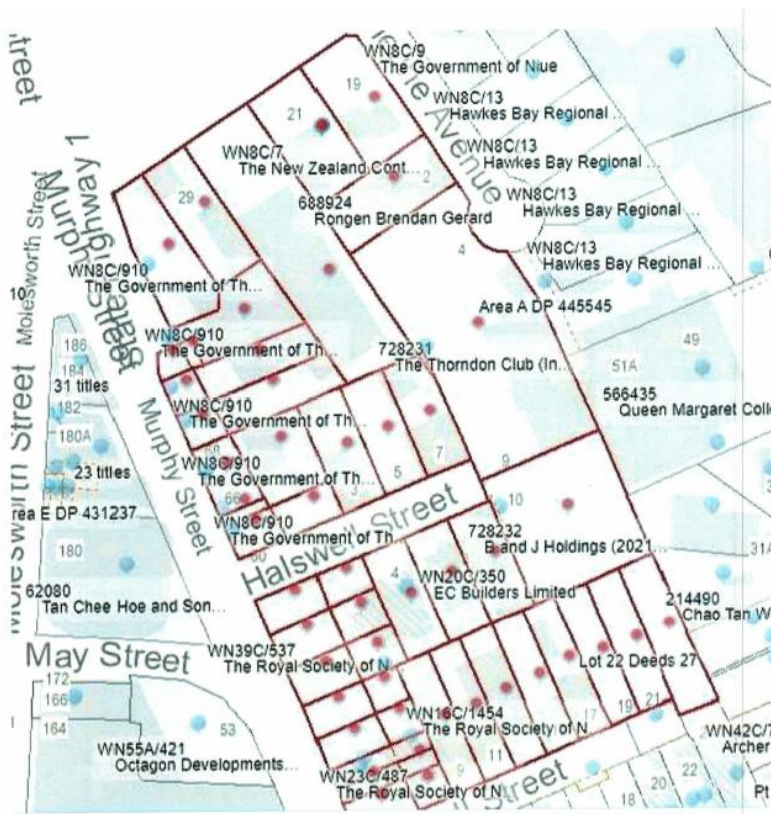


Figure 13: Properties surrounding the United States Embassy.

505. WCC Environmental Reference Group [377.481] seeks that CCZ-S1 is amended as follows:

CCZ-S1 (Maximum height)

This standard does not apply to:

...

B) Enclosed immobile garden beds providing these do not extend beyond 2m in diameter or 1m in height.

506. Argosy [383.119] and Oyster Management Limited [404.79 (supported by WCCT FS82.169)] seek that CCZ-S1 is amended as follows:

CCZ-S1 (Maximum height)

...

Matters of discretion:

...

4. The extent to which taller buildings would contribute to maximising the benefits of intensification in the city.

507. Willis Bond [416.183] seeks that as an alternative to CCZ-S1 (Maximum height) maximum heights, floor area ratios relative to lot sizes could be used as a method to control bulk and calculated based on the heights currently allowed.

508. Willis Bond [416.184] seeks that if height limits are retained, there should be further scope for development above the façade height, eg, plant rooms, sloping roofs etc. The submitter suggests the following amendments:

CCZ-S1 (Maximum height)

...

This standard does not apply to:

...

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

509. Willis Bond [416.7 and 416.185] seeks that for the Wellington Train Station precinct CCZ-S1 (Maximum height) be amended, notwithstanding the submitter's other comments regarding height controls, to increase the height limit above the rail corridor to the extent possible and ensure the height limit of nearby areas is at a similar scale.
510. Willis Bond [416.8 and 416.186] seek that the Tasman Street block maximum height be amended, notwithstanding the submitter's other comments regarding height controls, to increase the height limit of the Tasman Street block to be consistent with the surrounding blocks, and consistent with the intent of the NPS-UD.
511. Argosy [383.2] seek for the height limit of 7 Waterloo Quay be increased to 60m.
512. Argosy [383.3] also seeks to retain the building height limits of 143 Lambton Quay, 147 Lambton Quay, 15 Stout Street, 8 Willis Street and 360 Lambton Quay as notified.

Assessment

513. I acknowledge the submission points in support of this standard [201.35, 201.36, 273.324, 307.23, 349.197, 404.80, 383.3].
514. I disagree with Kāinga Ora's submission point [391.25] seeking height limits in the CCZ be deleted from mapping references. This mapping referencing is needed to tie into CCZ-S1 heights and show where they apply. I disagree with the submission point from Kāinga Ora [391.688 and 391.689] to add standards to CCZ-S1 that control heights within walking catchments of the City Centre Zone. This is inappropriate for two reasons:

- This is directing a height limit for other zones outside the CCZ. The appropriate place for height limits in these areas is within the relevant zone standards, not in the CCZ provisions.
 - I support the Section 42A report analysis and recommendations in Hearing Streams 1 and 2 on height limits in the MRZ and HRZ, including the effect of the CCZ walkable catchment on those limits.
515. I disagree with the submission points raised by Conor Hill [76.24], Nico Maiden [77.4], Stratum Management Limited [249.33], Generation Zero Inc [254.17] and Paihikara Ki Pōneke Cycle Wellington [302.48], Willis Bond [416.181, 416.182], Andrew Flanagan [198.18], and Reading Wellington Properties Limited [441.6] -I do not agree that CCZ-S1 should be deleted in its entirety.
516. However, I do acknowledge the submission points raised by VicLabour [414.45, 414.46] and Fabric Property Limited [425.81 and 425.82], Kāinga Ora [391.733, 391.734], Precinct Properties [139.52, 139.53], Century Group Limited [238.21] regarding unlimited building heights. I have considered the benefits and costs of retaining maximum height limits versus having unlimited height limits and acknowledge that there is justification for either outcome.
517. The ODP Central Area heights were borne out of an urban design study completed in 1984 which set the Central Area heights based off protected viewshafts, thus creating the ‘high city/low city’ height regime for the Central Area in the ODP. This concept provides for the greatest height limits in the CBD and then steps down in height along the edges in Pipitea, Thorndon, Aro Valley, Mount Cook, Te Aro and Mount Victoria. This evolved somewhat through the PDP with increased height provided under CCZ-S1 in Te Aro, Adelaide Road and along the CCZ edges.
518. I note that as part of the District Plan review ahead of the Draft District Plan, Council undertook CCZ test site modelling³⁹ based on CCZ sites from each CCZ suburb to test and compare potential Draft District Plan controls against ODP controls to inform DDP provisions. This included development scenario testing and helped to inform the subsequent work completed by Jasmx (Appendix C) ⁴⁰and TPG⁴¹.
519. I disagree with Century Group Limited [238.21]. The NPS-UD Policy 3(a) is directing Tier 1 Council’s to *realise as much development capacity as possible* in their respective City Centres. The NPS-UD does not expressly say enable unlimited building heights. The direction is to *realise as much development capacity as possible, to maximise the benefits of intensification*. It is not to maximise development capacity. This is an important distinction. The City Outcome Contributions is one method to ensure the City gets a range of benefits from this intensification to help build well-functioning urban environments. In formation of the Draft Spatial Plan a proposal to have unlimited building heights was taken to Councillors to vote on to inform Draft Spatial Plan direction for the City Centre. A decision was made (by one vote differential) to not have unlimited building heights, thus retaining maximum height limits.
520. Sense Partner’s 2020 Market and Retail Assessment in table 24 (page 150) of their report, advised that relaxing maximum height restrictions in the CCZ increases capacity within the zone, increases density and reduces the CCZ footprint. Sense Partners also noted on page 3 of their report that the costs of maximum height restrictions will be increasing with the demand for residential land. Box A on page 121 of their report assesses maximum height restrictions.

³⁹ Wellington City Council, Draft City Centre Zone Test Sites Models, September 2021

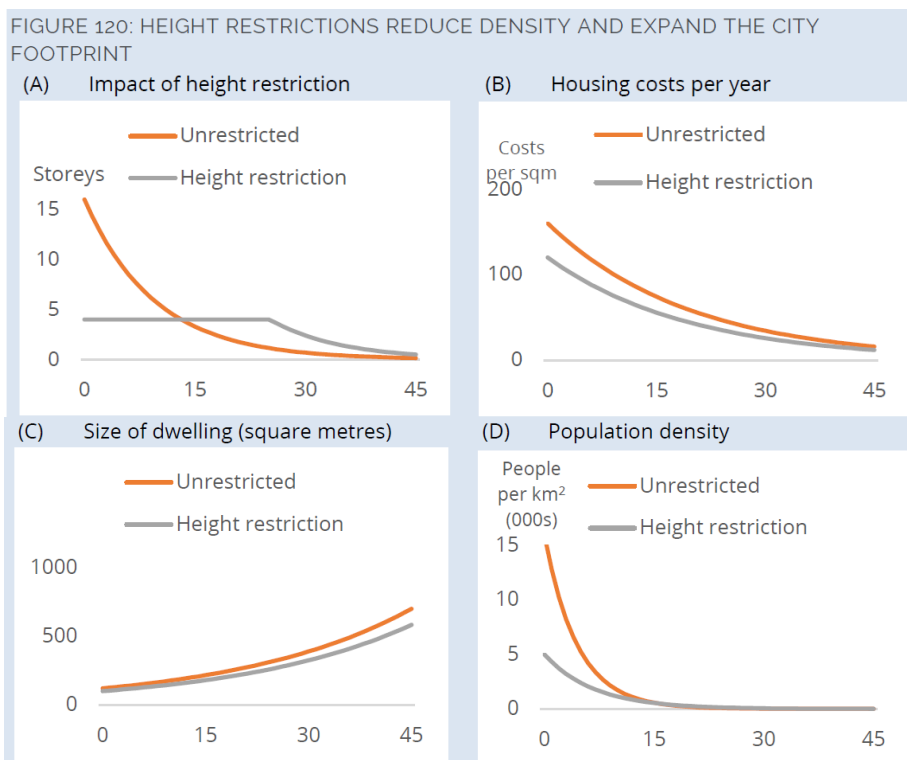
⁴⁰ Jasmx, WCC District Plan Tests All Sites – Report, Rev A, 27 October 2021

⁴¹ The Property Group, [Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report](#), June 2022

521. In their assessment they note that binding maximum height restrictions increase the cost of housing people and firms. When height restrictions bind, choices for development are restrained and costs for people to access where they live and work increase. They contend further that not only do costs increase, city size necessarily increases to accommodate people that no longer have the option to live at high density in inner-city apartments. They note that these costs inhibit choices to live and work in proximity.

522. In their assessment Sense Partners show the implications of height restrictions in general using a stylised framework that Australian researchers have used to assess the impacts of height restrictions on a prototypical Australian city. The study was undertaken by Kulish, Richards and Gillitzer (2011)⁴² and showed the effects of a four-storey building height restriction. This is shown in Figure 12 below. Figure 14 shows the impact of height restrictions across six key variables:

- Housing price graph – dollars per square meter of living space per year;
- Dwelling size – square meters of living space;
- Building height – housing floor space per unit of land (roughly corresponds to storeys);
- Density – persons per square kilometre;
- Price of land – the rental price of land in thousands of dollars per hectare per year;
- Population – in thousands of people.



⁴² Auckland Council, [Up or out? Residential building height regulations in Auckland – understanding the effects and implications](#), working paper, 2014

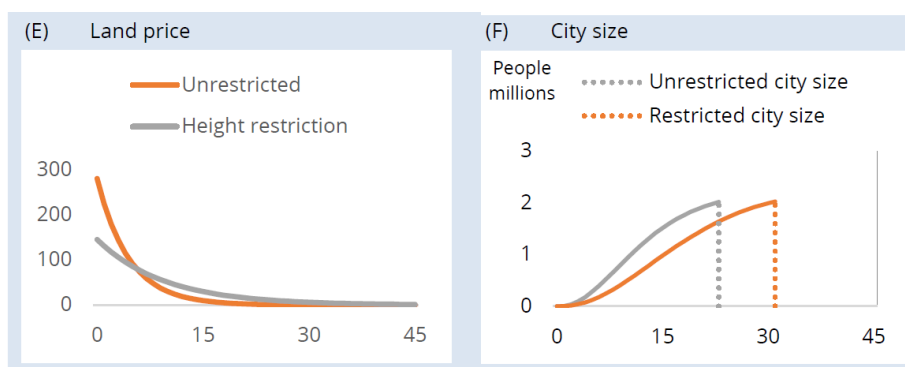


Figure 14: Study findings showing that height restrictions reduce density and expand the city footprint

523. As Sense Partners note on page 122 of their report, one of the benefits of maximum height restrictions is mitigating the negative effect of blocking sunlight for existing residents, and maximum height restrictions give some certainty for existing residents on the form of zones. They note that it is increasingly difficult for housing supply to meet demand for housing. They note that the costs of height restrictions will be flat or rising modestly with population growth.
524. Sense Partners note that on balance, this suggests increasing maximum height restrictions versus the marginal cost of retaining the existing policy setting are likely to exceed benefits. Sense Partners did however acknowledge the increased heights in the City Centre along Te Aro and the edges of the zone which were consistent with the objectives of the District Plan and promoting a compact city. The also noted that the Alonso-Muth-Mills model suggests greater benefits from relaxing building heights in the centre of the city, since this releases floorspace right at the peak of location demand.
525. I acknowledge the concerns that the consideration of unlimited building heights will have for residents of CCZ and those adjacent to the boundaries of the CCZ in terms of potential shading impacts. As such I consider that greater consideration under CCZ-S1 needs to be given for the impacts of shading on adjacent properties within the assessment criteria and resource consent process.
526. I also note that there is a greater focus on amenity in the PDP than the ODP with regards to both on-site amenity and impacts on adjacent sites. As detailed in Appendix E of this report, the review of the massing control by Urban Perspectives⁴³ found that whilst the massing control was generally effective in terms of managing effects on the surrounding environment, that is not always the case in relation to on-site amenity (e.g. daylight and outlook), an issue that is most relevant for residential developments (pages 16 and 17). The report noted that there were two main reasons for this being (page 17):
- a complying mass in itself does not necessarily guarantee a good residential amenity outcome; and
 - residential amenity (beyond daylight) is not a specific matter for consideration for over-mass buildings and therefore there is little scope to influence outcomes. Further to this, while the Central Area Urban Design Guide (ODP Design Guide) refers to outlook, in addition to daylight, and Policy 12.2.7.2 (Building amenity) of the Central Area refers to daylight and awareness of daylight, the ODP directs the assessment of these matters to the Building Code.
527. The report noted that the review showed that most of the residential developments with mass

⁴³ Urban Perspectives Ltd, Wellington District Plan Review: Building Mass Control Provisions, Urban Design Report Draft, October 2020

breaches did not raise any serious on-site internal amenity issues and many of those developments managed to provide reasonable levels of daylight and outlook for most units. However, this seemed to have been achieved through a careful site selection (e.g. choosing sites with multiple street frontages) and a 'responsible' approach to development initiated by the applicant rather than based on statutory requirements. Nonetheless, not all developers are 'amenity conscious' and on the whole the current provisions are not sufficiently effective to manage residential amenity.

528. The report also noted that the current provisions (ODP provisions) were generated in the context of the anticipated housing demand (at the time) and associated density under the banner of the 'high' and 'low city' approach to building height. In light of the present Spatial Plan objective to accommodate more people in the Central Area by increasing building heights, the report notes that residential amenity will become more important, especially if the anticipated densification is to be done well. The report further contends that the proposed height increase is concentrated within the low city, a major part of which includes Te Aro with its large blocks and general lack of public open space. These are additional factors that need to be taken into account by any future provisions for managing the outcomes of the high-density residential development promoted in the Central Area.
529. One recommendation of this report was to acknowledge the importance of residential amenity for the successful outcome of the anticipated densification of the Central Area through appropriate District Plan provisions. Four high-level options were put forward in this report for future mass provisions. Option two on page 22 of this report suggested retaining the current mass standard but introducing appropriate on-site amenity provisions for residential activity to be applied in combination with the mass standard. The pros and cons of this high-level option were canvassed on page 22 of the report:
- Pros – This will address residential amenity - a matter which will become more important under the anticipated densification and associated increase in building height. Appropriate amenity controls for residential activity (daylight, outlook, privacy, with emphasis on amenity of main living areas) were recommended to be developed and incorporated into the current provisions.
 - Cons – on-site amenity controls for residential activity can potentially reduce development potential (especially on internal sites) which can be seen as a hurdle to densification. Relaxing discretion over height breaches could be a way to counterbalance potential loss of development potential.
530. Whilst the massing control was ultimately removed, and minimum building separation distance, maximum building depth and outlook space requirements introduced, on-site residential amenity controls were also included. Consequently the following controls were introduced to enhance on-site amenity and general liveability within residential development in the CCZ:
- CCZ-S9 Minimum residential unit size;
 - CCZ-S10 Residential – outdoor living space;
 - CCZ-S11 Minimum building separation distance;
 - CCZ-S12 Maximum building depth; and
 - CCZ-S13 Outlook space.
531. CCZ-S11, CCZ-S12 and CCZ-S13 seek to not only provide on-site privacy, sunlight and daylight access through breaking up form and avoiding having a development take up the whole site, but they also seek to mitigate adverse sunlight, daylight, privacy and dominance effects on adjacent

sites through the same process.

532. I appreciate that some submitters feel that this does not go far enough and that more restrictions are needed on development. I consider that the CCZ is the densest zone in the City and there is an expectation it provides for the highest level of intensification within a very compact area. As such a balance needs to be struck between providing for amenity but also increased development capacity. The latter is done through enabling greater floor space and fewer restrictions.
533. In alignment with recommendations in section 8.10 in the Overview and General Matters section of this report regarding CCZ-P11, I consider there is merit in incorporating the City Outcomes Contribution mechanism into CCZ-S1 instead of having it sit just within the Residential and Centres and Mixed Use Design Guides. This will help manage height exceedances beyond the PDP maximum height limits and encourage better environment or public outcomes from tall developments.
534. I note that developments will need to still comply with the rules and standards in the Viewshaft Chapter which will limit height, as well as any other standard that requires height restrictions such as CCZ-S3 Character precincts and Residentially Zoned heritage areas – Adjoining site specific building and structure height.
535. Auckland’s CCZ has unlimited building heights, and instead heights are governed by viewshafts, rules on sunlight admission and setbacks. This is an established height regime since before the Unitary Plan⁴⁴. Brampton in Ontario, Canada, a city of over 603,000 people introduced an unlimited height and density incentive program in a small area of its Downtown area, in exchange for a percentage of units above 25 storeys be set aside for affordable housing. This program has been enabled for 5 years to understand the impacts of it.
536. In Brampton’s recommendation report they note that generally five building typologies are provided for in their plan as shown in figure 15:

<u>Building Typologies</u>	<u>Height Range</u>
Low-Rise	up to and including 3 full storeys
Low-Rise Plus	up to and including 4 full storeys
Mid-Rise	between 5 and 12 full storeys
High-Rise	between 13 and 25 full storeys
High-Rise Plus	26 full storeys or greater

Figure 15: Building typologies in Brampton Plan⁴⁵

537. In Wellington, based on its built form history, there are very few ‘High-Rise Plus’ developments, with examples including the Majestic Centre (116m), State Insurance Building/Aon Centre (103m), HSBC Tower (94m), 157 Lambton Quay (90m) and the Intercontinental Wellington (88.4m)⁴⁶. There are more ‘High-Rise’ typologies, but not an extensive amount, with examples including the Maritime Tower (79m), the Beehive (72m), ANZ Bank Tower (70m), Westpac Building (70m) and Asteron Centre (65m). Wellington has at least 60 buildings that are 50m or higher (12 storeys plus).
538. It is important to note that maximum heights can be removed thus removing restrictions to develop vertically. However, there are many other considerations and forces at play including construction costs, developers’ ability to invest, a sufficient labour force, ground conditions etc. All these factors shape the height that a developer builds to, not just the extent of height

⁴⁴ Auckland Council, [Section 32 for the Proposed Auckland Unitary Plan](#) – 2.5 Buildings heights

⁴⁵ The Corporation of the City of Brampton, [Recommendation Report – Unlimited Height and Density](#), June 2022

⁴⁶ Council on Tall Buildings and Urban Habitat, [Wellington](#), Overview, 2023

restrictions.

539. With regards to Willis Bond’s submission on floor area ratios, Dr Lees’s statement of evidence in paragraph 68 details that in principle parameters or principles that shift regulations closer to regulating the true costs would be welcomed. However, he notes that the economics literature is silent on social costs of bulky buildings, but he notes that if alternative suggestions better manage sunlight by allowing more efficient use of space then they are worth considering. However, he reinforces that additional analysis is needed. I consider that the building form controls in the CCZ (CCZ-S11-CCZ-S13), alongside the design guides, will sufficiently manage building mass for the City’s most intensified zone.
540. I acknowledge the concern raised by the Moir Street Collective [312.7], Juliet Cooke [68.3], James and Karen Fairhall [160.6, 160.7], Karen and Jeremy Young [162.7, 162.8], Kane Morrison and Jane Williams [176.7, 176.8], Athena Papadopoulos [183.6, 183.7], Lara Bland [184.6, 184.7], Geoff Palmer [188.6, 188.7], Dougal and Libby List [207.7, 207.8], Craig Forrester [210.8], Jane Szentivanyi [376.6, 376.7], Chrissie Potter [446.6], Dorothy Thompson [449.6] and Tracey Paterson [74.4]. However, I do not consider that a 15 metre height limit along the eastern side of Hania Street is appropriate given the purpose, scale and level of intensification anticipated in the CCZ as canvassed in paragraph 42 of this report.
541. However, given the consideration to replace CCZ-S1 with unlimited building heights, I consider that there is merit in the use of a recession plane control to manage the interface of CCZ sites with sites located in adjoining zones to manage this transition in heights where practicable. Whilst this would limit building height on the periphery of the CCZ, it would not impact the development capacity of sites further into the CCZ. I consider that this would partly provide the relief requested by submitters in the adjoining zones’ sites. For the reasons identified in paragraphs 58– 61 of this report, I do not consider any further mechanisms are warranted beyond the proposed recession plane to manage adverse effects at the CCZ zone boundary.
542. Given the suggestion to replace CCZ-S1 maximum height limits with unlimited building heights and to use the PDP maximum height limits as City Outcomes Contribution height thresholds, as detailed in Appendix B, I consequently:
- Accept all submission points seeking unlimited buildings heights;
 - Reject all submission points seeking new building height limits be added; and
 - Reject all submission points seeking building height limits be retained.

Summary of recommendations

543. HS4-P1-CCZ-Rec93: That submission points relating to CCZ-S1 (Maximum height) are accepted/rejected as detailed in Appendix B.
544. HS4-P1-CCZ-Rec94: That CCZ-S1 (Maximum height) be amended as follows:

CCZ-S1	Maximum height City Outcomes Contribution Height Threshold
<p>1. There are no maximum heights for buildings and structures in the City Centre Zone.</p> <p>2. Above the following maximum height limits thresholds the City Outcomes Contribution must be complied with (measured above ground level unless otherwise specified):</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. Streetscape and visual amenity effects;</p> <p>2. Dominance and privacy effects on adjoining sites; and</p> <p>3. The extent to which taller buildings would substantially contribute to increasing residential accommodation in the city.</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	75m-95m (MSL) Mean Sea Level as defined by the New Zealand Vertical Datum 2016 (NZVD2016)
g. Height Control Area 7– Eastern 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

~~2. Fences and standalone walls must not exceed a maximum height of 1.8 metres (measured above ground level).~~

This standard does not apply to:

- ~~a. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm;~~
- ~~b. Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the height by more than 1m; and~~

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

~~b. Fences and standalone walls.~~

545. HS4-P1-CCZ-Rec95: That a new standard for fence heights be added to the CCZ as follows:

CCZ-SX	Fences and standalone walls
1. <u>Fences and standalone walls must not exceed a maximum height of 1.8 metres (measured above ground level).</u>	<u>Assessment criteria where the standard is infringed:</u> 1. <u>Streetscape and visual amenity effects; and</u> 2. <u>Dominance and privacy effects on adjoining sites.</u>

546. HS4-P2-CCZ-Rec96: That CCZ-R19 be amended as follows:

CCZ-R19	Alterations and additions 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 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.	
2. Activity status: Restricted Discretionary	
Where:	
1. Compliance with any of the requirements of CCZ-R19.1 cannot be achieved.	
Matters of discretion are:	
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 for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building; and	
5. The Residential Design Guide.	
Notification status:	
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.	
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.	

547. HS4-P1-CCZ-Rec97: That CCZ-R20 be amended as follows:

CCZ-R20	Construction of buildings and structures
1. Activity status: Permitted	
Where:	

<ol style="list-style-type: none"> 1. It involves the construction of any new building or structure that: <ol style="list-style-type: none"> i. Will have a gross floor area of 100m or less; and ii. Will result in a building coverage of no more than 20 percent; and b. 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>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <ol 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> <ol style="list-style-type: none"> 2. The matters in CCZ-P4, CCZ-P5, CCZ-P6, CCZ-P7, CCZ-P8, CCZ-P9, CCZ-P10, CCZ-P11 and CCZ-P12; 3. The extent and effect of non-compliance with CCZ-S4, CCZ-S2, CCZ-S3, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12 and CCZ-S13; 4. The Centres and Mixed-Use Design Guide, including guideline G107 - City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building; 5. The Residential Design Guide; 6. The extent and effect of any identifiable site constraints; 7. The impacts of related construction activities on the transport network; and 8. 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 noncompliance 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 noncompliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S6, CCZ-S7 and CCZ-S8 is precluded from being publicly notified.</p>

548. HS4-P1-CCZ-Rec98: That a new CCZ standard be added as follows:

<u>CCZ-SX</u>	<u>Sites adjoining residential zones</u>
<p>1. <u>For any site adjoining a Residentially Zoned site:</u></p> <ol style="list-style-type: none"> a. <u>no part of any building, accessory building or structure may project beyond a line of 60° measured from a height of 19m above ground level from all side and rear boundaries that adjoin the Residentially Zoned site.</u> <p><u>This standard does not apply to:</u></p> <ol style="list-style-type: none"> a. <u>Fences or standalone walls no greater than 1.8m in height;</u> b. <u>Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm;</u> c. <u>Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in</u> 	<p><u>Assessment criteria where the standard is infringed:</u></p> <ol style="list-style-type: none"> 1. <u>Dominance and shading effects on adjoining sites.</u>

<p><u>diameter and do not exceed the height by more than 1m; and</u></p> <p><u>d. Lift overruns provided these do not exceed the height by more than 4m.</u></p> <p><u>Note: this standard prevails over the general height requirements specified in CCZ-S1.</u></p>	
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Section 32AA evaluation

Section 32AA evaluation for unlimited building heights and incorporating City Outcomes Contribution thresholds into CCZ-S1

549. In my opinion, based on the above analysis, the amendments to CCZ-S1 are the most appropriate way to achieve the objectives of the CCZ Chapter relative to the notified provisions. In particular, I consider that:

- The amendments give better effect to the NPS-UD directions, in particular Policy 3(a) as unlimited building heights give effect to the policy’s directive to maximise development capacity. This is in combination with other standards that seek to provide a well-functioning urban environment.
- The amendments are consistent with the PDP objectives and policies. Particularly CCZ-O2, CCZ-O3, CCZ-O6, CCZ-P4, CCZ-P5 and CCZ-P11, in that unlimited heights help to accommodate growth, enable efficient, well integrated and strategic use of available development sites and achieves greater overall height and scale of development to occur in the CCZ relative to other centres. However, with the change to require that City Outcomes Contribution be met, any exceedance in height thresholds will require contributions to important City outcomes such as ensuring adequate public space, resilient building outcomes etc.
- While there are maximum height limits under the PDP through CCZ-S1, the rule framework enables these height limits to be exceeded through the Restricted Discretionary Activity Status, notification being restricted to limited notified, assessment criteria for exceedance and the City Outcomes Contribution mechanism for additional height. As such, whilst these amendments mark a change in approach, they are not in materially different to what can be enabled now under the PDP.
- Removing the maximum height limits will align with the ODP and PDP objectives and policies seeking to retain a compact city centre and to avoid CCZ activities extending out into surrounding environments due to lack of residential and commercial spaces. It also supports retaining the boundaries for the CCZ as included in the PDP due to the ability to build higher.
- Enabling unlimited building heights allows for greater development capacity and higher population density in the City Centre. This supports reduced reliance on cars, and greater utilisation of active transport and micro-mobility alternatives, as well as supporting MRT and LGWM’s initiatives through greater development capacity within close proximity to future MRT stations, aligning with CCZ-O6.

- As reinforced in Dr Lees’s evidence in paragraph 66, over time, Council can expect the value of downtown land to continue to lift, increasing the pressure to build up. He furthers that particularly within the city centre, in general, expect the benefits from increasing housing supply by accommodating more people to outweigh the costs from lost amenity from sunlight and views.
- The Hearing Stream 4 Overview S42A Report provides an assessment with regarding City Outcomes Contributions in section 8.10 of the report. I note that 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.
- I consider that the changes recommended to CCZ-S1 and the recommendations regarding City Outcomes in the Overview S42a report, are simply moving the City Outcomes Contribution method from the Design Guides to CCZ-S1 and the recommended new Appendix 16.

550. The environmental, economic, social and cultural effects of the recommendation to remove maximum height limits are below.

Environmental	<ul style="list-style-type: none"> • One environmental cost of having unlimited building heights is the impact upon shading of adjacent properties and also access to light at street level. This is of particular concern for the CCZ’s narrow streets, a lot of which are located in Te Aro i.e. Jessie Street, College Street etc. This will have some impact upon mental wellbeing of residents without direct sunlight access, as well potentially the usability and quality of the street at street level. • However, I note that they should still be able to receive some level of daylight access, and through the rule framework, consideration for any development as a Matter of Discretion is the impact of shading on adjacent sites, depth and outlook setbacks etc which will help to mitigate this. • On-site shading impacts will be mitigated by the pre-mentioned rules and standards, as well as other standards such as minimum unit size and outdoor living space requirements. • Dr Lees in his statement of evidence⁴⁷ in section 5.1, notes that there are benefits for residents and office workers, which includes amenity benefits and the opportunity to locate closer to a wider range of jobs within the CBD. • One environmental benefit is that unlimited heights will allow more
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⁴⁷ Hearing Stream 4, Dr Kirdan Lees’s Statement of Evidence, 2023

	<p>development yield, thus being able to accommodate more growth and maintain the CCZ’s compact urban form, as opposed to having to extend the CCZ boundaries further. This will allow greater capacity and possibility for greater residential housing supply.</p> <ul style="list-style-type: none"> • Allowing additional height allows cities to go up instead of sprawling, as well as reducing environmental impacts. Housing can be built in areas where people want to live, meaning shorter commute times to places of employment and amenities, and reduced travel costs. • An additional benefit of this is a reduction in car use, and increased uptake of public transport, active transport and micro-mobility. This in turn helps to reduce carbon emissions and help Council work towards its Te Atakura and climate change strategic directions. • From a design perspective, there are benefits to having unlimited building heights. Developers will not have to impact building design outputs by trying to keep within a maximum height limit, avoiding ‘pancake’ buildings in the areas that have lower height limits like Thorndon and Mount Victoria along the CCZ boundary. • Dr Lees identifies that building up can come with costs – chiefly reduced sunlight and reduced views from the shading taller buildings generally provides. Wind-tunnelling can also occur, with increased risks of wind tunnel effects from tall buildings. However, I note this is managed through the well-established wind provisions in the Wind chapter. • Other controls like Wind, Viewshafts, and amenity controls such as building depth etc will help to manage adverse effects of unlimited building heights, including: <ul style="list-style-type: none"> ○ Viewshafts that sit above CCZ sites including PDP-Viewshafts 13-15 will be retained, and avoiding intrusions into these will ensure views across the city are maintained; and ○ Wind height triggers require either qualitative wind assessments or quantitative wind reports (wind tunnel testing) to ensure building designs mitigate or avoid adverse wind effects.
Economic	<ul style="list-style-type: none"> • As Sense Partners report suggests on page 122 of their report⁴⁸ there are greater benefits from relaxing building heights in the centre of the city, since this releases floorspace right at the peak of location demand. They note that with maximum height limits comes constraints on supply, and costs rise with height restrictions coupled with population growth. • Dr Lees⁴⁹ in his statement of evidence in section 5.1 notes that for tall buildings, construction costs per additional storeys increase with each

⁴⁸ Sense Partners and Colliers International, [Retail and Market Assessment for Wellington City Council](#), November 2020

⁴⁹ Hearing Stream 4, Dr Kirdan Lees’s Statement of Evidence, 2023

	<p>storey added to the building. He furthers, that average revenue can increase with height, as it provides amenity such as views and better access to sun. Dr Lees notes that developers will build up until the marginal costs of adding additional floor equals the marginal benefit (in terms of revenue) of adding the additional floor.</p> <ul style="list-style-type: none"> • Dr Lees furthers that the key benefit of relaxing height restrictions and allowing building up is an increase in housing affordability, not just within the City Centre, but across the City. He notes that building up provides additional supply that reduces the cost of housing. Compared to a context with height restrictions, removing restrictions allows more people to live in the city centre. This in turn reduces demand on the edges of the city, lowering land prices and costs of housing. • However, as Dr Lees notes there is a cost to building up, being the costs of lost sunshine access. Dr Lees furthers that local researchers have identified that an extra hour of sunlight exposure, one average, every day, is associated with a 2.6 percent increase in house prices. • Given Wellington’s anticipated population growth (18,000 more people are anticipated in the City Centre alone over the next 30 years⁵⁰), providing unlimited heights further increases capacity within the zone thus increasing density and reducing the city centre’s footprint. Dr Lees advises that the incentive to build up over time can be expected to increase, however, with increasing construction costs, for labour and materials, and to meet increases in building standards, can act as a counterbalancing force to keep building up. This in turn can be counterbalanced through new technologies to reduce construction costs. • I consider that providing for unlimited building heights will help to offset the costs to developers of implementing the on-site residential amenity controls such as minimum unit size, as developments will be able to build higher and create a greater number of apartment units. More yield can therefore be achieved. • One economic constraint is that there will be more pressure on infrastructure from greater provision of residential accommodation with additional yield. • A study by Kulish, Richards and Gillitzer (2011)⁵¹ detailed that in scenarios comparing building height limits to no building height limits, in the case of building height limit scenarios: <ul style="list-style-type: none"> ○ House prices are higher;
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⁵⁰ Wellington City Council, [Our City Tomorrow: A Spatial Plan for Wellington City](#), 24 June 2021

⁵¹ Auckland Council, [Up or out? Residential building height regulations in Auckland – understanding the effects and implications](#), working paper, 2014

	<ul style="list-style-type: none"> ○ Dwellings are smaller; ○ Density is lower closer to the CBD but higher farther away from the CBD; and ○ Land prices fall closer to the CBD but higher farther away from the CBD. <ul style="list-style-type: none"> ● Ding (2013) found that Beijing’s building height restrictions in its CBD are associated with a decrease in housing output of 70%, a decrease in land prices of 60% and a decrease in land investment of 85%. The study noted that to accommodate this decrease in housing output, the city sprawls by 12% and house prices rise by 20%. ● Planning regulations which control height are likely to restrict the supply of new housing, with reduced supply of housing units in turn impacting housing affordability. As noted in the Auckland Council⁵² 2014 study, developers are incentivised to build an extra unit of housing vertically, but many reasons including regulations can restrict developers. ● One risk as identified in the Brampton⁵³ recommendation report for unlimited height and density, is that establishing an unlimited height and density policy regime can artificially distort the factors that influence land values and fuel speculation. Land speculators may buy land hoping it will go up in value. The report notes that implementing unlimited height and density has the potential to incentivise land speculation, while not necessarily leading to getting buildings and communities built. It also notes that where it does result in buildings being built, there is a risk that one or two large buildings can absorb much of the market demand for a number of years, thereby extending the timeline for buildout of a community. ● The Brampton recommendation report also notes that there is a risk with an unlimited height and density regime that this can lead to an ‘unpredictable planning regime’, with some results being land values increase so buildings become taller with little diversity, emphasis goes on height rather than city planning objectives, Council could lose leverage in negotiating community outcomes, and a highly speculative market could result. ● However, I consider that there are other explicit bulk, form, design and amenity controls that must be implemented in order to achieve the PDP’s strategic direction, which will work to achieve a more predictable planning regime. I also note the City Outcomes Contribution will provide Council leverage to achieve good city outcomes. The design guides and things like Design Panel reviews, will help to ensure a diversity in buildings’ design and
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⁵² Auckland Council, [Up or out? Residential building height regulations in Auckland – understanding the effects and implications](#), working paper, 2014

⁵³ The Corporation of the City of Brampton, [Recommendation Report – Unlimited Height and Density](#), June 2022

	<p>typology, and coupled with standards, adverse amenity outcomes are reduced.</p> <ul style="list-style-type: none"> • These implemented changes and other existing controls will help to give developers and communities more certainty.
Social and cultural	<ul style="list-style-type: none"> • As noted in Auckland Council 2014 study⁵⁴, if height restrictions are relaxed it is likely the supply of housing units would increase, noting development would occur in locations that match demand. Demand is likely to be high in areas close to employment opportunities, transport links, urban amenities and natural amenities. However, this would also require infrastructure upgrades and other forces at play. I acknowledge the current costs and barriers in the construction industry such as materials being available. • One social cost is the potential loss of private views and some public views (those not protected by Viewshafts) from tall buildings blocking views. • Another potential social cost is the change in aesthetics as the skyline of the CCZ evolves and developments over time may become higher. This would change the established City Centre ‘High City/Low City’ urban form. • Another social cost is the loss of certainty for CCZ residents on the urban form of their neighbourhood. However, I consider that this is mitigated somewhat through all other established costs, as well as the City Outcomes Contribution, which will provide benefits back to the city and/or building users i.e. public spaces, universal accessibility etc. • A social benefit is that greater development capacity will be enabled, and in turn residential accommodation supply through additional height. A rise in residential accommodation, will in turn bring with it investment in services, infrastructure and a greater mix of activities, adding to the vibrancy and vitality of the City Centre.

Section 32AA evaluation for CCZ recession plane standard for sites adjoining residential zones

551. In my opinion, based on the above analysis, the proposed new CCZ standard for CCZ sites adjoining residential zones is the most appropriate way to achieve the objectives of the CCZ Chapter relative to the notified provisions. In particular, I consider that:

- The amendments give better effect to the NPS-UD directions, in particular Objective 1 and Policy 1 as this recession plane control to manage height changes at the interface of CCZ with residential zones enables well-functioning urban environments as it provides consideration for the social, economic and cultural wellbeing of occupants of residentially zoned sites by allowing better sunlight access to these properties. This is in combination with other standards that seek to provide a well-functioning urban environment.

⁵⁴ Auckland Council, [Up or out? Residential building height regulations in Auckland – understanding the effects and implications](#), working paper, 2014

- I also consider that it aligns with Policy 6(c) as it provides for a balanced approach where sufficient development is provided for on the site but it also helps to mitigate shading effects on adjoining sites.
- The amendments are consistent with ODP and PDP objectives and policies. Particularly CCZ-O2, CCZ-O5, CCZ-O7, CCZ-P4, CCZ-P9 and CCZ-P12. The standard still allows for sufficient development capacity within CCZ sites subject to this control and contributes towards accommodating anticipated growth in the city (CCZ-O2 and CCZ-P4(1)). However, it also:
 - ensures development contributes towards creating a high, quality well-functioning urban environment including contributing to the general amenity of neighbouring residential areas(CCZ-O5);
 - responds to site context where it located adjacent to residential zones (CCZ-P9(2)(v.)); and
 - manages adverse effects at interfaces with residential zoned areas (CCZ-O7 and CCZ-P12).
- While this new standard mark a change in approach, it is not materially different to what can be enabled now under the PDP, in that under the PDP sites along the boundaries with residentially zoned sites are subject to a maximum height limit of 27m or 28.5m. A key difference here is that this change applies only to sites adjoining residentially areas, the control does not apply to sites further into the CCZ.
- I also note that the CCZ through CCZ-S3 currently has a recession plane control when adjoining character precincts or residentially zoned heritage areas, but this new proposed control is much more enabling at 19m. This approach to managing height at the interface is akin to approaches taken in HRZ, but with a much bigger height enabled in the CCZ.

552. The environmental, economic, social and cultural effects of the recommendation to add a new CCZ standard for sites adjoining residentially zones are below.

Environmental	<ul style="list-style-type: none"> • I consider that this control will help enable residential amenity, as well as health and wellbeing outcomes from enhanced sunlight access and reduced dominance effects. • Whilst I note that there will be an impact on the ability of CCZ sites subject to this control to maximise their development capacity, I consider the 19m height limit is still support of enabling sufficient development capacity on the site.
Economic	<ul style="list-style-type: none"> • One benefit as Dr Lees’s evidence in paragraph 61 notes that local researchers have revealed that an extra hour of sunlight exposure, one average, every day, is associated with a 2.6 percent increase in house prices. • Another benefit as noted in TPG’s report⁵⁵ is that better solar access has the potential for lower household costs (i.e. heating

⁵⁵ The Property Group, [Wellington City District Plan Proposed Amenity and Design Provisions](#), June 2022

	<p>and drying). It also has the potential for lower health costs from increased access to sunlight and potential for increased property values.</p> <ul style="list-style-type: none"> • One cost is the potential impact on development capacity from not allowing CCZ site owners subject to this new control to be able to be subject to unlimited building heights and to be able to do City Outcomes Contribution under CCZ-S1 if they are to comply with this new control. Whilst the potential impact on theoretical residential development capacity has not been assessed for this proposed control, I note that as traversed in hearing stream 1, the PDP has sufficient development capacity to meet future demand, which includes sufficient development capacity enabled in the CCZ. • I also note that this is further offset through the Restricted Discretionary Activity status and limited, rather than public, notification clause in CCZ-R19 and CCZ-R20.
Social and Cultural	<ul style="list-style-type: none"> • This change allows for positive wellbeing outcomes for residents in adjoining residentially zoned sites, as it will help to reduce shading impacts. • As noted in TPG’s report⁵⁶ solar access can contribute to improved public health outcomes (mental and physical) resulting from dryer, warmer homes and access to sunlight. • I consider that this control will help enable residential amenity, as well as health and wellbeing outcomes from enhanced sunlight access and reduced dominance effects. • I note that this control helps to align with NPS-UD objective 1 that identifies that a well-functioning urban environment is one that enables people to provide for their health and social wellbeing.

CCZ-S2 – Old St Paul’s Church – Adjoining site specific building height (ISPP)

Matters raised by submitters

553. WCCT [233.25 (supported by Thorndon Residents Association FS69.96)], Century Group Limited [238.22] and Stratum Management Limited [249.34] support CCZ-S2 as notified.

Summary of recommendations

554. HS4-CCZ-P2-Rec99: That submission points relating to CCZ-S2 (Old St Paul’s Church – Adjoining site specific building height) are accepted as detailed in Appendix B.

555. HS4-CCZ-P2-Rec100: That CCZ-S2 (Old St Paul’s Church – Adjoining site specific building height) be confirmed as notified.

CCZ-S3 – Character precincts and Residentially Zoned heritage areas – Adjoining

⁵⁶ The Property Group, [Wellington City District Plan Proposed Amenity and Design Provisions](#), June 2022

site specific building and structure height (ISPP)

Matters raised by submitters

556. Century Group Limited [238.23] and Fire and Emergency New Zealand [273.325] support CCZ-S3 as notified.
557. The Moir Street Collective [312.9, 312.10, 312.11, 312.13, 312.14] including the following submitters: Juliet Cooke [68.4], Tracey Paterson [74.5, 74.6], James and Karen Fairhall [160.8, 160.9, 160.11, 160.12], Karen and Jeremy Young [162.9, 162.10, 162.11, 162.13, 162.14], Kane Morison and Jane Williams [176.9, 176.10, 176.11, 176.13, 176.14], Athena Papadopoulos [183.8, 183.9, 183.10, 183.11, 183.12], Lara Bland [184.8, 184.9, 184.10, 184.11, 184.12], Geoff Palmer [188.8, 188.9, 188.10, 188.11, 188.12], Dougal and Libby List [207.9, 207.10, 207.11, 207.13, 207.14], Craig Forrester [210.9, 210.10, 210.11], Jane Szentivanyi [376.8, 376.9], Chrissie Potter [446.7, 446.8, 446.9, 446.10] and Dorothy Thompson [449.7, 449.8, 449.9, 449.10] seek that CCZ-S3 is amended as follows:

CCZ-S3 (Character precincts and Residentially Zoned heritage areas – Adjoining site specific building and structure height)

1. Identified character precincts and Residentially Zoned heritage areas
 - a. For any site adjoining a site identified within a Character Precinct or a Residentially Zoned Heritage Area: no part of any building, accessory building or structure may project beyond a line of 60° measured from a height of ~~8m~~ 5m above ground level from all side and rear boundaries that adjoin that precinct, and
 - b. For any site adjoining a site identified within the MRZ within a Character Precinct or a Residentially Zoned Heritage Area: no part of any building, accessory building or structure may be higher than 15m.

558. The Moir Street Collective [312.12] including the following submitters: James and Karen Fairhall [160.10], Karen and Jeremy Young [162.12], Kane Morison and Jane Williams [176.12], Dougal and Libby List [207.12] and Craig Forrester [210.12] seeks that CCZ-S3 is amended as follows:

CCZ-S3 (Character precincts and Residentially Zoned heritage areas – Adjoining site specific building and structure height)

1. ...
- ...
3. For any site adjoining a site identified within Character Precinct or a Residentially Zoned Heritage Area: The first 5 metres back from the boundary must not exceed 4m (one storey).

Assessment

559. I acknowledge the submission points in support of this standard [238.23, 273.325].
560. Regarding the suggested amendment to decrease the height in CCZ-S3.1.a from 8m to 5m, whilst I appreciate the concerns raised in these submission points I disagree with this change. The CCZ is city's densest zone and Council is required by Policy 3(a) of the NPS-UD to maximise development capacity within it. Further restricting development adjacent to character precincts will not maximise development capacity. Council undertook modelling work to ensure that this standard would enable sufficient sunlight access to sites subject to character precincts. This modelling showed that sufficient sunlight access was enabled whilst sufficient development capacity for the CCZ site was also enabled. Dropping the height in CCZ-3 to 5m would be too restrictive for CCZ sites and would significantly impact their development capacity.

561. In response to submissions seeking a new part of the standard which restricts building height to 15m, I disagree with this change for the same reasoning that I have provided for in paragraph 470.
562. Regarding the submissions seeking that the first 5 metres from the boundary must not exceed 4m, I consider the proposed height recession plane adequately controls dominance and shading effects and an additional requirement essentially managing the same issue is not necessary.
563. I do not consider that any compelling evidence or s32AA assessment has been provided by submitters to support any amendments to CCZ-S3.

Summary of recommendations

564. HS4-CCZ-P2-Rec101: That submission points relating to CCZ-S3 (Character Precincts and Residentially Zoned Heritage Areas – Adjoining site specific building and structure height) are rejected as detailed in Appendix B.
565. HS4-CCZ-P2-Rec102: That CCZ-S3 (Character Precincts and Residentially Zoned Heritage Areas – Adjoining site specific building and structure height) is retained as notified.

CCZ-S4 – Minimum Building Height (ISPP)

Matters raised by submitters

566. Century Group Limited [238.24], Wellington Civic Trust [388.34] and Angus Hodgson [200.11] support CCZ-S4 as notified.
567. Precinct Properties New Zealand Limited [139.54 (supported by WCCT FS82.164)], McDonald’s [274.67], Restaurant Brands Limited [349.198 (supported by Foodstuffs FS23.66)] and Foodstuffs [476.57] oppose CCZ-S4 and seeks that it is deleted in its entirety.
568. Wheeler Grace Trust [261.4], Eldin Family Trust [287.8] seeks that CCZ-S4 is amended so that Selwyn Terrace, Thorndon does not have a 22m minimum building height.
569. Woolworths [359.90 (supported by Foodstuffs FS23.25 if 476.57 is rejected)] seeks that CCZ-S4 is amended as follows:

CCZ-S4 (Minimum building height)

1. A minimum height of 22m is required for new buildings or structures.

This standard does not apply to:

1. Any site adjoining a site located within a character precinct or Residentially Zoned Heritage Area and thus subject to CCZ-S3; and
2. Any site within the Te Ngākau Civic Square Precinct.
3. Any new supermarket building.

570. Z Energy [361.121, 361.122] considers that CCZ-S4 should include an exclusion for any building or structure which is unable to be occupied. Seeks that CCZ-S4 is amended as follows:

considered if the minimum building height is not achieved (e.g. quality urban design outcome) [416.189].

Assessment

574. I acknowledge the submission points in support of this standard [238.24, 388.34].
575. I acknowledge the concerns raised by Precinct Properties New Zealand Limited [139.54], McDonald's [274.67], Restaurant Brands Limited [349.198] and Foodstuffs [476.57], Wheeler Grace Trust [261.4], Eldin Family Trust [287.8], Woolworths [359.90], Z Energy [361.121, 361.122], Argosy [383.120], U.S Embassy Wellington [366.4] and Willis Bond [416.187].
576. I disagree with the submission points from Precinct Properties New Zealand Limited [139.54], McDonald's [274.67], Restaurant Brands Limited [349.198] and Foodstuffs [476.57] seeking to delete CCZ-S4 in its entirety. The minimum height limit was directed by the Spatial Plan, was approved by Councillors and has been widely engaged on with stakeholder across the Spatial Plan, DDP and PDP. The minimum building height aligns with the City Centre walking catchment height of six storeys and directly links to CCZ objectives, policies and rules seeking to efficiently optimise the development capacity of sites within the CCZ. This includes CCZ-O2, CCZ-O3, CCZ-O6, CCZ-P4, CCZ-P5, CCZ-R18 and CCZ-R20.
577. CCZ-S4 responds to an identified issue in the City Centre in that some sites are not efficiently utilising their enabled development capacity, whether that is through low rise development, ground floor carparking or being an empty demolished site. The effects of this include sub-optimal development capacity, impaired residential and commercial building supply and adverse aesthetic and streetscape effects.
578. I have contemplated whether further exemptions to CCZ-S4 are necessary. Whilst I appreciate the concerns of Wheeler Grace Trust [261.4] and Eldin Family Trust [287.8] and U.S. Embassy Wellington [366.4], in my view it is not appropriate to have exemptions to CCZ-S4 based on location alone. Furthermore activities such as embassies are not a qualifying matter to consider when reducing development capacity on sites so I do not consider that this activity, with respect, warrants an exemption to CCZ-S4. I also do not consider that any compelling evidence or s32AA assessment has been provided by submitters to support any amendments to CCZ-S4 based on location or U.S Embassy Wellington's activities.
579. I note that where there is sufficient justification for the need for developments to be under six storeys, then planners processing consents can consider whether a resource consent may be granted for developments that do not meet CCZ-S4 as a Discretionary Activity. Regarding Argosy's submission point [383.10] that CCZ-S4 has an exemption added for temporary buildings and structures whilst I consider there to be merit in the suggestion, I do not consider that sufficient detail has been provided by the applicant with regards to how 'temporary buildings or structures' are defined and for what time period is classified as temporary. Without this clear detail, I do not consider it appropriate to provide this exemption. I also note that there are already temporary activity rules and standards within the Temporary Activity chapter that address temporary structures, including their duration.
580. I disagree with Woolworths's submission point [359.90]. Whilst I appreciate that a supermarket requires ground floor access in terms of goods and delivery service, I also consider that supermarkets can be part of mixed-use developments which can allow for increased development capacity and even more efficient uses of sites. There are many examples across New Zealand, predominantly in Auckland i.e. Newmarket, and across other global cities where this occurs.
581. I consider that supermarkets can also align with the policy framework of the CCZ and make efficient use of land and develop to the minimum height limit as part of comprehensive mixed-

use developments. Countdown's Newtown mixed-use site is an example of where supermarkets can integrate with other land-uses in an efficient optimisation of a development site. I consider that if this can be done for a smaller centre, it can also be done in the CCZ to an additional height.

582. I disagree with Z Energy Limited's submission point [361.121, 361.122] as I consider that the suggested amendment in their submission undermines the CCZ policy direction for efficient optimisation of land, and also the NPS-UD Policy 3(a) direction to maximise development capacity in City Centres. I acknowledge that the same directive to incorporating supermarkets into mixed-use development to achieve the minimum building height and policy intent of CCZ is different for service stations, who can only operate as a standalone activity at ground level.
583. However, I note that service stations are treated differently to supermarkets, as supermarkets are defined as commercial activities which are permitted activities. In comparison, service stations are defined as a yard-based retail activity and in the CCZ are seen as potentially incompatible activities under CCZ-P2 and are therefore Discretionary Activities. This is due to new service stations being deemed to be an inefficient use of CCZ land, in which higher density land uses are anticipated under the policy and rule framework. However, I appreciate existing service stations need to be able to be maintained. Accordingly, I consider that a carve out for service stations or 'any ancillary building or structure unable to be occupied by people' is inappropriate, and any such activity needs to be subject to CCZ-S4 minimum building heights without exceptions.
584. I disagree with Willis Bond's submission point [416.187] with regards to reducing the height limit of CCZ-S4 for the reasons provided in paragraph 489. I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change in this respect. Nor do I consider there to be a need to provide more clarity in CCZ-S4's assessment criteria. The first assessment criteria links to whether there is a functional need or operational need to have a reduced height, with strict tests under the definitions for 'functional needs' and 'operational needs'. The second matter relates to topographical or site constraints and these will need to be proven if non-compliance with CCZ-S4 is sought by an applicant.

Summary of recommendations

585. HS4-P1-CCZ-P2-Rec103: That submission points relating to CCZ-S4 (Minimum Building Height) are accepted/rejected as detailed in Appendix B.
586. HS4-P1-CCZ-Rec104: That CCZ-S4 (Minimum Building Height) be confirmed as notified.

CCZ-S5 – Minimum Ground Floor Height (ISPP)

Matters raised by submitters

587. Century Group Limited [238.25] supports CCZ-S5 as notified.
588. Precinct Properties New Zealand Limited [139.55], McDonald's [274.68], Restaurant Brands Limited [349.199 (supported by Foodstuffs FS23.68)], Fabric Property Limited [425.83] and Foodstuffs [476.58] oppose CCZ-S5 and seek that it is deleted in its entirety.
589. Stratum Management Limited [249.35, 249.36] seeks that CCZ-S5 is amended as follows:

CCZ-S5 (Minimum ground floor height)

The minimum ground floor height to the underside of a structural slab or equivalent shall be 4m;

1. For non-residential and mixed use buildings - 4m.
2. For residential buildings - 3m.

Assessment

590. I acknowledge the submission point in support of this standard [238.25].
591. I disagree with the submission points in opposition to the standard, which seeks it be deleted in its entirety [139.55, 274.68, 349.199, FS23.68, 425.83, 476.58]. I consider that it is integral that this control remain in the CCZ as it provides necessary flexibility for a variety of ground floor activities over time. This allows for flexibility in ground floor use and adaptability over time as higher heights mean that building owners can change ground floor use from one activity to another. What might be commercial, retail or office space, may be able to be utilised for other uses such as residential activity (if not exempt under CCZ-R12(1)(a)). This is achieved through having a higher ground floor height than other floors in developments.
592. I note that retail or commercial uses require higher heights for services, and not having that space will significantly limit different uses (particularly in terms of mechanical ventilation). Not only does it provide for a mixture of land use activities, it also facilitates better street frontage outcomes. This is because from outside, the ground floor would be distinct, creating a clear base for the building, while from inside you are able to be afforded more light and exposure and thus attract more pedestrian flow and attention. This leads to enhanced vibrancy and vitality with regards to the ground floor use.
593. Regarding the amendment sought from Stratum Management Limited [249.35, 249.36] I accept their submission in part in that I agree with the minor amendments with the addition of 'the' and 'a' as proposed. However, I disagree with their changes to separate different heights for residential buildings versus non-residential and mixed-use buildings. The purpose of this standard is to provide flexibility in the CCZ to change the ground floor use for different activities, i.e. residential activities or a lobby area to commercial area based on the building owner's choices and market demand.

Summary of recommendations

594. HS4-P1-CCZ-Rec105: That submission points relating to CCZ-S5 (Minimum Ground Floor Height) are accepted/rejected as detailed in Appendix B.
595. HS4-P1-CCZ-Rec106: That CCZ-S5 (Minimum Ground Floor Height) be amended as follows:

CCZ-S5	Minimum ground floor height
1. The minimum ground floor height to <u>the</u> underside of <u>a</u> structural slab or equivalent shall be 4m.	Assessment criteria where the standard is infringed: 1. The extent to which a reduced height: a. Will compromise or preclude future use or adaptation of the ground floor for non-residential activities; b. Is necessary to provide for functional needs or operational needs of a proposed activity; and

	2. Whether topographical or other site constraints make compliance with the standard impracticable or unnecessary.
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CCZ-S6 – Minimum sunlight access – public space (ISPP)

Matters raised by submitters

596. Wellington City Youth Council [201.37], Century Group Limited [238.26] and Restaurant Brands Limited [349.200] support CCZ-S6 as notified.
597. Catherine Penetito [474.8] seeks that sunlight access must be maintained in a minimum of 80% of Pukeahu Park rather than the current 70% as specified in CCZ-S6 (Minimum sunlight access - public space).
598. Khoi Phan [326.41] opposes CCZ-S6 and seeks that it is deleted in its entirety.

Assessment

599. I acknowledge Wellington City Youth Council [201.37], Century Group Limited [238.26] and Restaurant Brands Limited [349.200] support for this standard.
600. Whilst I appreciate Catherine Penetito’s [474.8] concerns for the protection of sunlight access to Pukeahu park, I disagree that Pukeahu’s 70% minimum sunlight protection control should be amended to 80%. I do not consider that compelling evidence or s32AA assessment has been provided by the submitter to support any change as part of this report with regards to extending sunlight protection minimum requirements for Pukeahu.
601. I note that the submitter’s reasonings for extending the minimum sunlight protection percentage includes maintaining and enhancing the site of the National War Memorial, the extent of the heritage area, and the importance of buildings within the vicinity of Pukeahu. Whilst I note these are important considerations, I do not consider these to be applicable to the protection of sunlight to Pukeahu and sufficient reasoning to increase the minimum access by 10%.
602. As noted on page 152 of the CCZ, WFZ, STADZ and Te Ngākau S3257, the minimum 70% sunlight method as part of the CCZ and WFZ sunlight control enables more development capacity than the current ODP approach and balances intensification with amenity objectives. This acknowledges that more residential capacity needs to be enabled in the CCZ but that sunlight protection to parks is a highly valued amenity which needs to be maintained.
603. Section 12.4.1 in the S32 discusses the CCZ and WFZ sunlight protection control in detail and the changes between the ODP and PDP, including the addition of the 70% control and the extension from the ODP’s list of 13 public spaces to 28 in the PDP (with Pukeahu protection added through PDP). As noted in the report, the additional sites, are:
- A reflection of new spaces being created;
 - The need to protect sunlight to public spaces as the CCZ and WFZ intensifies; and
 - The need to give effect to the well-functioning environment directive of the NPS-UD and

⁵⁷ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct, 2022](#)

the Green Network Plan.

604. Table 1 on page 265 of the report compares minimum sunlight controls under the ODP and PDP. Both the ODP parks and the new PDP parks were analysed for sun shadow volume to understand the current level of shading on the public spaces from existing development.
605. I strongly disagree with the submission point of Khoi Phan [326.41]. The submitter's rationale for seeking this standard be deleted is that 'minimum sunlight requirement will further restrict our housing need. We are Wellington and now Whakatu Nelson'. This is the only rationale provided. As covered in section 12.4.1 of the S32 report, sunlight protection to public spaces is a control not only included in the ODP, but also pre-dates the ODP. I consider that this control is fundamental to ensure balanced amenity outcomes in the CCZ in particular, now more than ever given the NPS-UD direction to 'maximise development capacity' and my recommendations in HS-P1-CCZ-Rec98 to enable unlimited building heights. This control is essential to ensure sunlight access to the City's residents, visitors and workers, when such amenity cannot be always be provided for residential dwellings.

Summary of recommendations

606. HS4-P1-CCZ-Rec107: That submission points relating to CCZ-S6 (Minimum sunlight access – public space) are accepted/rejected as detailed in Appendix B.
607. HS4-P1-CCZ-Rec108: That CCZ-S6 (Minimum sunlight access-public space) be retained as notified.

CCZ-S7 – Verandahs (ISPP)

Matters raised by submitters

608. Restaurant Brands Limited [349.201] support CCZ-S7 as notified.
609. Z Energy Limited [361.123, 361.124, 361.125, 351.126] partially supports CCZ-S7 and seeks that this is amended so that this standard does not apply to buildings where there is functional requirement to not include a verandah, or alternatively, recognise functional requirement in the assessment criteria. They proposed the following options:

CCZ-S7 (Verandahs)

Option A

1. Verandahs must be provided on building elevations on identified street frontages except where there is a functional requirement for a building to not contain a verandah.

...

Option B

...

This standard does not apply to:

- a. Any scheduled building identified in SCHED1 - Heritage Buildings;
- b. Any building where compliance with the standard results in an encroachment into the dripline of an existing street tree.
- c. Service stations.

Option C

...

Assessment criteria:

1. The extent to which any non-compliance:
 - a. Will adversely affect the comfort and convenience of pedestrians;
 - b. Will result in further street trees being added to public space as part the development; and
 - c. Is required for on-site functional or operational needs.

...

610. Argosy Property No. 1 Limited [383.121] seeks that CCZ-S7 is amended as follows:

CCZ-S7 (Verandahs)

...

Any building where compliance with the standard results in an encroachment into the dripline of an existing ~~street~~-tree that is to be retained.

611. Craig Palmer [492.38, 492.39, 492.40, 492.41] supports the overall requirement for verandahs and seeks that verandahs are installed over time along the south side "Active Frontages" of Tennyson, Lorne, and College Streets; and Jessie, Frederick, and Haining Streets and seeks that verandahs are required to have clear glazing out to the kerbside.

612. Century Group Limited [238.27 and 238.1] generally supports the standards, subject to specific relief sought in respect of verandah and active frontages controls to the Property. The submitter seeks to delete the 'verandah' control as it relates to the land along both sides of Waterloo Quay, to the north-east of Bunny Street.

Assessment

613. I acknowledge the submission points in support of this standard [349.201, 492.38, 492.39, 492.40, 492.41].

614. I accept in part the submission by Z Energy [361.123, 361.124, 361.125, 351.126]. I acknowledge that there will be circumstances where there are functional and operational requirements that mean the construction of a verandah along the frontage of a site is unnecessary or impractical. However, I consider that options A and C included in the submission points will create uncertainty for applicants, consent planners and plan users, as it is not explicitly clear which activities may have a 'functional and operational need' to not contain a verandah.

615. Any applicant under CCZ-S7 could argue in their resource consent application that they have a functional and operational need for their development to be exempt from verandahs. In my view, with regards to CCZ-S7, is that the standard needs to be explicit in terms of the activities,

if any, that Council considers is appropriate to have an exemption. I note that there are separate definitions for 'functional need' and 'operational need' as included in table three below.

Table 3: showing the PDP definitions for 'functional need' and 'operational need'

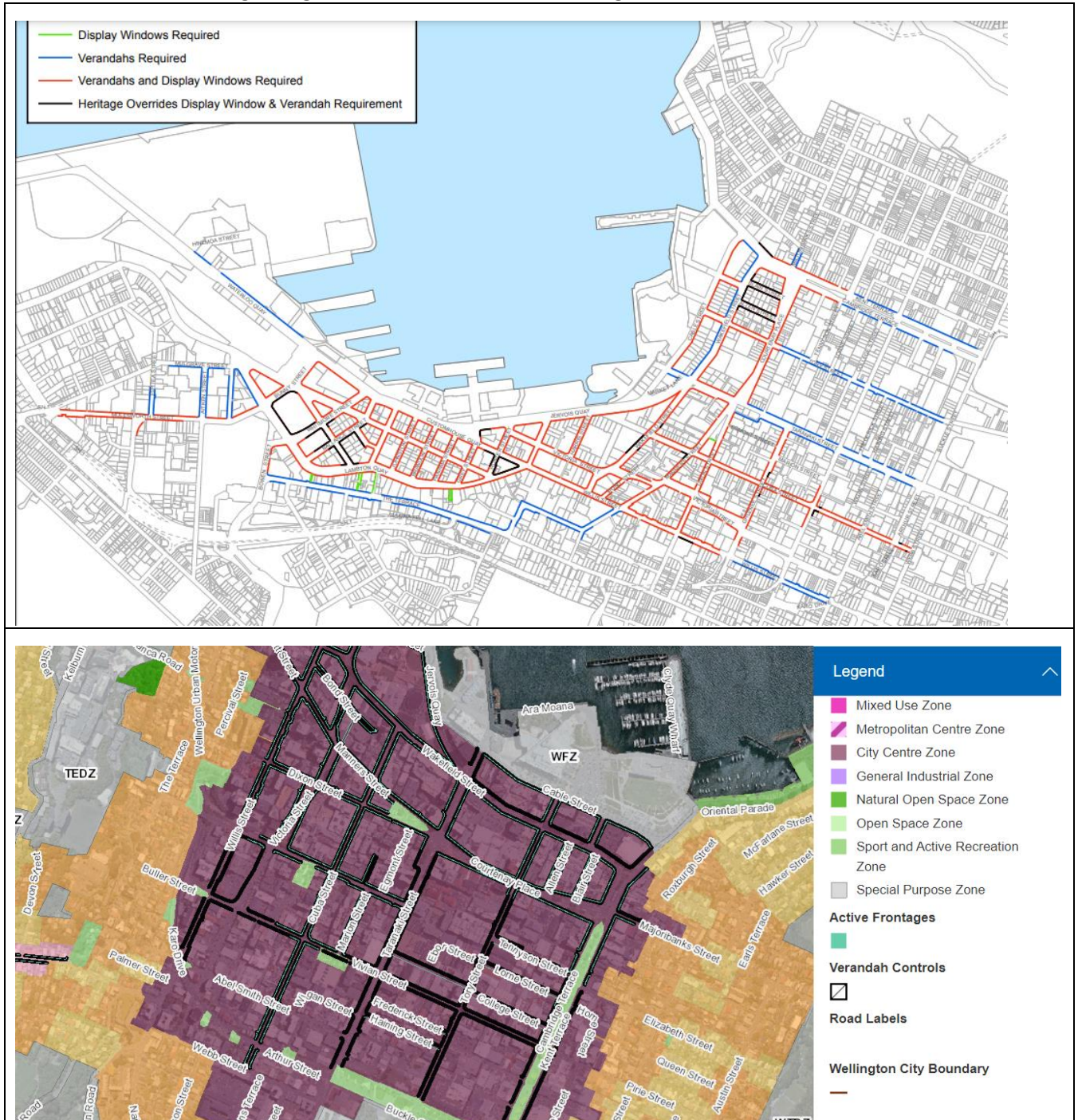
FUNCTIONAL NEED	means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.
OPERATIONAL NEED	means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

616. In my view, with regards to the CCZ, service stations do not fit the definitions of either of these with regard to the 'activity can only occur in that environment' or needing to 'traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints'. Furthermore, service stations are a 'potentially incompatible' activity in the CCZ requiring a Discretionary Activity consent. Instead, I consider that option B provides more clarity for all plan users, with an explicit reference to service stations.
617. Given that the nature of service stations is to have a building set back from the road (or potentially no building at all depending on if the service station is unmanned or self-service and without any associated retail or commercial service), with an open forecourt, I consider that Option B is the more appropriate option.
618. As service stations are dispersed throughout the city, are relatively limited in number, and are considered 'potentially incompatible' activities in the CCZ, the exemption would only apply in a limited number of circumstances within the CCZ. CCZ policy direction and provisions seek to enable an efficient utilisation of sites, and a service station would be a Discretionary Activity not only under Rule CCZ-R15 Yard-based retailing activities, but also under CCZ-R20 for not complying with CCZ-S4 Minimum building height.
619. I disagree with the changes to CCZ-S7 proposed in Argosy's submission point [383.121]. Firstly with regard to removing reference to 'street' in terms of 'street tree'. I note that street tree is used consistently across the Centres and Mixed Use Zones, Port Zone and the Infrastructure chapter. Table 3 in the Infrastructure chapter refers to Street Tree species list. As such I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change in this respect.
620. Secondly, with the addition of 'that is to be retained', I consider that this creates ambiguity for plan users, developers and consent planners as to whether trees will be retained or not if a development has a verandah that is proposed to encroach into the dripline of an existing tree. If a tree that is not proposed to be retained for whatever reason, this is something that will be raised at resource consent phase.
621. I acknowledge the submission points raised by Craig Palmer [492.38, 492.39, 492.40, 492.41] and agree in part. Firstly, with regards to seeking that verandahs are installed over time along the south side 'active frontages' of Tennyson, Lorne, and College Streets; and Jessie, Frederick, and Haining Streets, I note that as per page 42 in the CCZ, WFZ, STADZ and Te Ngākau S32 report, a review of the Central Area active frontages and verandah coverage was undertaken in 2021.
622. A review was undertaken of ODP Map 49E which shows the ODP's display window, verandah, verandah and display window, and heritage override requirements within the Central Area. Almost the full extent of active frontages and verandahs were retained except for a few pockets

in Thorndon. Decisions were made to extend these controls in almost all CCZ suburbs to reflect change in land uses, pedestrian uses and rates, the One Network Plan findings, LWGM MRT considerations etc along the CCZ streets.

623. I note that none of the East to West streets running between Taranaki Street, Tory Street and Cambridge Terrace in Te Aro contained display windows (termed ‘active frontage’ in the PDP) or verandahs in the ODP. For the PDP the active frontages and verandahs were extended to cover a much greater extent of the CCZ, particularly in Te Aro. Table four below details this change.

Table 4: Showing change in Verandah and Active frontage cover between ODP and PDP in Te Aro



624. A decision was made by Council that for verandah coverage this would be provided along both edges of streets that run north to south (as per the Operative Plan), and for wider east to west streets which due to being key transport corridors were anticipated to receive more foot traffic.

For the narrower east to west streets, a decision was made by Council that verandahs would be provided on the northern edges of the street and that active frontages would be provided on the southern sides of these streets. The rationale for this was based on a few factors:

- These streets are identified narrow streets being 12m or less in road width. It was considered that putting verandah coverage on both sides of the street would restrict sunlight access to the street, and that the Southern edge of the street would stand to receive the best sunlight access compared to the north. Adding active frontages on the southern side would enhance the vibrancy and vitality of the street and make the streets more attractive to pedestrians.
- Verandahs were provided on the northern side of the street to mitigate potential adverse wind tunnel effects from tall developments on these narrow streets.

625. Based on the above rationale I do not consider that at present verandah coverage on the southern side of these streets is necessary. In time these streets will unfortunately get further shaded from taller developments and changes in density. This presents an opportunity in the future to consider adding verandah coverage to the southern sides of sides of the streets listed in [492.38, 492.39, 492.40, 492.41].

626. Secondly, whilst I understand the intent of the submitter's suggestion to require clear glazing out to the kerbside for verandahs, I assumed based on both visual/aesthetic reasoning and sunlight access reasoning, I do not consider it is appropriate to require clear glazing. In my view this is too directive and limits flexibility and innovation in design.

627. I acknowledge the general support noted by Century Group Limited in their submission points [238.27 and 238.1]. However, I disagree that the verandah coverage for Waterloo Quay be removed for the following reasons:

- The site is located adjacent to the Wellington Railway Station; an MRT stop, which gets heavily utilised by commuters travelling in and out of Wellington;
- The site sits along a pedestrian walkway between the railway station, and wider Central Area, and Wellington Regional Stadium, including to activities at the bottom of the stadium such as Wellington Indoor Stadium, which gets foot traffic from pedestrians and those attending events at the stadium or utilising the stadium's services, as well as other services along Waterloo Quay;
- Waterloo Quay is exposed to weather events due to its proximity to the harbour and the fact that the Port Zone has a limited number of low-height buildings as well as carparking spaces, that do not provide protection to pedestrian users of Waterloo Quay.
- I note that this site is currently utilised as a commercial carpark. However, it is reasonably likely that in time this site will be re-development and used for more intensive purposes. Particularly with the policy framework in the CCZ seeking efficient optimisation of CCZ sites and a maximisation of development capacity. As such the verandah coverage considers potential future use and it would be inappropriate to exempt one property from verandah coverage whilst seeking others provide verandahs. This would create a gap in coverage and adverse effects from pedestrians with regard to coverage during poor weather conditions.

Summary of recommendations

628. HS4-P1-CCZ-Rec109: That submission points relating to CCZ-S7 (Verandahs) are

accepted/rejected as detailed in Appendix B.

629. HS4-P1-CCZ-Rec110: That CCZ-S7 (Verandahs) be amended as follows:

CCZ-S7	Verandahs
<p>1. Verandahs must be provided on building elevations on identified street frontages;</p> <p>2. Any verandah must:</p> <ol style="list-style-type: none"> Extend the full width of the building elevation; Connect with any existing adjoining verandah; Have a minimum clearance of 2.5m directly above the footpath or formed ground surface; Not exceed a maximum height of 4m measured between the base of the verandah fascia and the footpath or formed ground surface directly below; Be setback a minimum of 450mm from any point along the kerbing extending back to the site boundary; and Not exceed a maximum width of 3m from the front of the building. <p>This standard does not apply to:</p> <ol style="list-style-type: none"> Any scheduled building identified in SCHED1 - Heritage Buildings. However, if for any reason these buildings received resource consent approval to be demolished, then a verandah would be required for any replacement buildings on these sites; and Any building where compliance with the standard results in an encroachment into the dripline of an existing street tree; and- <u>Service stations.</u> 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> The extent to which any non-compliance: <ol style="list-style-type: none"> Will adversely affect the comfort and convenience of pedestrians; Will result in further street trees being added to public space as part of the development; and The continuity of verandah coverage along the identified street, informal access route or public space.

CCZ-S8 – Active Frontages (ISPP)

Matters raised by submitters

630. Century Group Limited [238.2, 238.28] and Restaurant Brands Limited [349.202 (opposed in part by Foodstuffs FS23.70)] support CCZ-S8 as notified.

631. Precinct Properties New Zealand Limited [139.56] generally supports the standard but considers it provides insufficient exceptions for functional requirements such as vehicle entrances. The submitter seeks that CCZ-S8 is amended as follows:

CCZ-S8 (Active frontage control)

1. ...

a. Be built up to the street edge ~~on all street boundaries and along the full 70% of the width of the site~~ boundary bordering any street boundary, subject to functional requirements.

632. McDonald's [274.69, 274.70 (opposed by Retirement Villages Association FS126.181 and Ryman FS128.181)] and Foodstuffs [476.64, 476.65 (opposed by Retirement Villages Association FS126.49, FS126.50 and Ryman FS128.49, FS128.50)] seeks that CCZ-S8 is amended as follows:

CCZ-S8 (Active frontage control)

1. ~~Dwellings must not locate on the ground floor of Any new building or addition to an existing building on an identified street with an active frontage for any new building, or ground level addition or alteration to an existing building. must:~~

- a. ~~Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary;~~
- b. ~~Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and~~
- c. ~~Locate the principal public entrance on the front boundary;~~

2. Any new building or ground level addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that:

...

633. Z Energy Limited [361.127, 361.128, 361.129] seeks that CCZ-S8 is amended as follows:

CCZ-S8 (Active frontage control)

Option A

...

1. Any new building or addition to an existing building adjoining an identified street with an active frontage control must:

a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary except where there is a functional requirement for that building to be set back from the street edge.

In this case, 1b would not apply; and

b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and

c. Locate the principal public entrance on the front boundary except where there is a functional requirement for the principal entrance to not front the street.

...

Option B

1.

...

Except that:

This does not apply to any heritage building identified in SCHED1-heritage buildings or service stations; and

...

634. Argosy Property No. 1 Limited [383.122] and Fabric Property Limited [425.84] seeks that CCZ-S8 is amended as follows:

CCZ-S8 (Active frontage control)

1

...

a. Be built up to the street edge ~~on all street boundaries~~ and along the full width of the site bordering any street boundary, excluding vehicle and pedestrian access and public open spaces.

635. Oyster Management Limited [404.81, 404.82 (opposed by Foodstuffs FS23.71)] seeks that CCZ-S8 is amended as follows:

CCZ-S8 (Active frontage control)

1

...

a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary, excluding vehicle and pedestrian access and public open spaces.

636. Willis Bond [416.190] seeks that CCZ-S8 is amended as follows:

CCZ-S8 (Active frontage control)

...

Assessment criteria where the standard is infringed:

1. The extent to which:

a. Any non-compliance is required for on-site functional needs or operational needs;

b. The building frontage is designed and located to create a strong visual alignment with adjoining buildings or otherwise enhances the streetscape; and

...

637. Kāinga Ora [391.735] seeks that CCZ-S8 is amended to only apply where necessary such as along principal roads/arterials, only to buildings that are located along any street edge rather than buildings on the whole site where an active frontage applies, and considers active frontage controls on streets and buildings where these matters do not apply should be deleted.

Assessment

638. I acknowledge the submission points in support and opposition to this standard [238.28, 349.202, FS23.70].

639. I disagree with the submission point raised by Precinct Properties [139.56] for the following reasons:

- In my view 'functional requirements' is too ambiguous and it is not clear to plan users, developers or resource consent planners what activities meet this 'functional requirements' threshold without explicit reference to activities or definitions;
- Deleting 'on all street boundaries' and then adding 'boundary' so that it applies to 'the site boundary bordering street boundary' does not make sense from a clarity or comprehension standpoint, nor do I think it meets the intent of what the submitter was seeking to address;
- I note that active frontages provisions (CCZ-S8) apply on identified streets edges as mapped in the active frontage layer in the PDP ePlan, rather than on all site boundaries. It is only applicable to a street edge that is subject to this active edge layer; and

- I am not clear from the submission point where the basis or justification for a metric of 70% has come from. I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change as part of this report.

640. I disagree with the changes suggested in submission points from McDonald's [274.69, 274.70] and Foodstuffs [476.64, 476.65] for the following reasons:

- It is not apparent why the focus in clause one has changed from active frontages to dwellings not being located on ground floor. Residential activities are provided for in rule CCZ-R12 with necessary exemptions included in the rule for verandahs and active frontages;
- The submission point limits the scope to buildings with residential dwellings on the ground floor only, which is a limited proportion of existing building in the CCZ subject to these controls. Given the requirements in CCZ-R12 (residential dwellings not to occur on streets with verandahs and active frontages), this is unlikely to be a large extent of future buildings either. I consider this is inappropriate as active frontages apply to all developments on streets they have been identified on; commercial, residential, office, retail or otherwise.
- The changes proposed in this submission remove the requirement for continuous window displays, transparent glazing, locating the principal public entrance of the building on the front boundary and the requirement to build up to the street edge. All these elements contribute to good streetscape, quality design, positive aesthetics, safety and street vitality outcomes. Not having these could enable adverse building edge outcomes, extensive blank facades, safety and access concerns;
- Active frontages have proven to be an effective mechanism for providing positive interfaces between buildings and public environments and enhancing the safety, vitality and vibrancy of the street interface for pedestrians; and
- The intent of the requirement is to avoid a blank façade which creates adverse streetscape, aesthetic and vibrancy effects. Having active frontage requirement enables a well-functioning urban environment and aligns with the spatial plan, the PDP and CCZ's focus of enabling high quality design outcomes.

641. I acknowledge Z Energy's [361.127, 361.128, 361.129] submission and accept that there will be functional and operational requirements where buildings will need to be set back from the street edge. For similar reasons to those given in paragraphs 540-544 of this report, I do not agree with Option A.

642. The purpose of this standard is to provide activation of the street edge, integrate the public-private interface and enhance the vibrancy and vitality of streets. I consider there to be limited exemptions to the requirements in this standard. However, I concede that a service station is one exemption which for functional, operational and service requirements is not able to provide built form up the street edge and a continuous active façade. As such I consider Option B is the best option put forward by the submitter.

643. As I note in paragraph 544 of this report, service stations are dispersed throughout the city, and are relatively limited in number. They are considered 'potentially incompatible' activities in the CCZ, and the exemption would only apply in a limited number of circumstances within the CCZ. The policy direction and provisions seek to enable the efficient utilisation of sites, and service stations would be a Discretionary Activity not only under Rule CCZ-R15 Yard-based retailing activities, but also under CCZ-R20 for not complying with CCZ-S4 Minimum building height. As

such I consider an exemption is allowable.

644. I accept in part the submission points of Argosy [383.122] in part and Oyster Management Limited [404.81, 404.82] in full. I do not agree with Argosy’s suggested removal of ‘on all street boundaries’ for the reasons detailed in bullet point three of paragraph 564 of this report. The mapped extent of the active frontage layer is explicit as to what streets active frontages apply, to and deleting ‘on all street boundaries’ is therefore not necessary. However, I consider that more clarity could be provided in 1(a) to note that this is referring to street boundaries with an identified ‘active frontage control’.
645. Regarding the submitter’s proposed amendments to include ‘excluding vehicle and pedestrian access and public open space’, I agree with ‘excluding vehicle and pedestrian access’ but I do not agree with excluding ‘public open space’ from this standard (CCZ-S8). As Dr Zarmani notes on page 9 of his statement of evidence for Hearing Stream 4⁵⁸, which I agree with, exclusions for public space, as sought by this submitter, can be used as a loophole to provide passive frontages behind a small area of land identified as ‘public space’. As such I do not support this exemption in the standard. However, I think the exemption for ‘vehicle and pedestrian access’ makes sense from a clarity, practicality and implementation perspective, in that active frontages are not anticipated to apply to these carve-outs.
646. I accept the submission point of Willis Bond [416.190] seeking to add ‘or otherwise enhances the streetscape’. Whilst I appreciate that this submission point could present some ambiguity, I consider this change is relatively minor, and allows sufficient design flexibility and innovation to provide a building frontage to enhance the streetscape and have visual benefits to the street and its users.
647. In response to the submission point from Kāinga Ora [391.735] I agree in part in that the CCZ-S8 active frontage control should only apply where necessary. This is reflected in the PDP active frontage control mapping and proposed standard which only applies to ‘an identified street with an active frontage’. In my view, the mapped extent and wording of CCZ-S8 make it clear where in the CCZ the provision applies. CCZ-S8 therefore does not apply to streets which do not have an identified active frontage control layer applying to them.
648. I disagree with the submitter’s point that CCZ-S8 should only apply along principal roads/arterials. Whilst there is a hierarchy of streets established through the One Network Framework roading classification, sufficient access and safety considerations help contribute to the vitality and vibrancy of streets.
649. As I have discussed in page 40 of the CCZ, WFZ, STADZ and Te Ngākau s32 report⁵⁹, a review of active frontages and verandahs was undertaken of the extent included within the ODP. As detailed in these paragraphs and the s32 report, the extent of both controls was applied more extensively across the CCZ for multiple reasons.

Summary of recommendations

650. HS4-P1-CCZ-Rec111: That submission points relating to CCZ-S8 (Active frontages) are accepted/rejected as detailed in Appendix B.
651. HS4-P1-CCZ-Rec112: That CCZ-S8 (Active frontages) is amended as follows:

CCZ-S8	Active Frontage Control
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⁵⁸ Hearing Stream 4, Statement of Evidence of Dr Farzard Zarmani

⁵⁹

<p>1. Any new building or addition to an existing building adjoining an identified street with an active frontage control must:</p> <ol style="list-style-type: none"> Be built up to the street edge on all street boundaries <u>with an identified active frontage control</u> and along the full width of the site bordering any street boundary, <u>excluding vehicle and pedestrian access</u>; Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and Locate the principal public entrance on the front boundary. <p>2. Except that: This does not apply to any heritage building identified in SCHED1-heritage buildings <u>or service stations</u>; and</p> <p>2. Any ground level addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that:</p> <ol style="list-style-type: none"> Is more than 4 metres wide; Extends from a height of 1m above ground level to a maximum height of 2.5m; and Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent. 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> The extent to which: <ol style="list-style-type: none"> Any non-compliance is required for on-site functional needs or operational needs; The building frontage is designed and located to create a strong visual alignment with adjoining buildings <u>or otherwise enhances the streetscape</u>; and An acceptable level of passive surveillance is maintained between the interior of the building and the street.
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CCZ-S9 – Minimum residential – unit size (ISPP)

Matters raised by submitters

652. Century Group Limited [238.29] and Reading Wellington Properties Limited [441.7] supports CCZ-S9 as notified.
653. Willis Bond [416.191, 416.192 (opposed by WCCT FS82.151 and LIVE WELLington FS96.47) and 416.193] opposes CCZ-S9 and seeks that it is deleted in its entirety, although if it is retained then it should be amended so it is clearly defined that hotel accommodation, student accommodation and other similar accommodation types are distinct from residential unit sizes. The submitter notes that the definition of residential units does not clearly exclude student accommodation and may render it subject to these minimum sizes.
654. Stratum Management Limited [249.37, 249.38] seeks that CCZ-S9 is amended as follows:

CCZ-S9 (Minimum residential – unit size)

1. Residential units, including any dual key units, must meet the following minimum sizes:
 - a. Studio units ~~35~~0m²
 - b. 1 bedroom unit: 40m²
 - c. 2+ bedroom unit: 55m²
 - ...

655. Kāinga Ora [391.736 and 391.737] supports this standard in part but seeks that CCZ-S9 is amended as follows:

CCZ-S9 (Minimum residential – unit size)

1. Residential units, including any dual key units, must meet the following minimum sizes:
 - a. Studio units ~~35~~0m²
 - b. 1 or more bedroom unit 40m²
 - ~~c. 2+ bedroom unit 55m²~~

Assessment

656. I acknowledge the submission points in support of this standard [238.29 and 441.7].

657. I disagree with the submission points from Willis Bond [416.191, 416.192] seeking CCZ-S9 be deleted in its entirety, or if retained amended to not apply to hotel accommodation, student accommodation or other accommodation types distinct from residential unit sizes. The Central Area Monitoring Report on pages 17-18 (see Appendix E), the Central Area Issues and Options report 202060 on page (see Appendix F) and the S32 report⁶¹ on pages 75, 151 and Appendix 2 of the report details the rationale behind inclusion of a minimum unit size. Paragraphs 526-563 of this report also provide detailed reasoning for the need to implement a minimum unit size in the CCZ.

658. Minimum unit sizes are necessary as they provide a mechanism for ensuring that residential units are liveable and useable. As noted on page 4 of the Central Area Monitoring Report⁶², in relation to apartments:

- Nearly a third of apartments were for dual key apartments;
- Three quarters of apartments were for studios or single bedrooms;
- Studio apartments were generally less than 30m²; and
- Half of the apartments were only single aspect.

659. The concerning sizes of apartments⁶³, coupled with the findings of the Massing Report⁶⁴ which identified that the control was not providing for internal residential amenity, as well as best

⁶⁰ Wellington City Council, Planning for Growth: Central Area Issues and Options Report, 2020

⁶¹ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

⁶² Wellington City Council, [Planning for Growth: Central Area Monitoring Report](#), 2019

⁶³ Wellington City Council, [Planning for Growth: Central Area Monitoring Report](#), 2019

⁶⁴ Urban Perspectives Ltd, Wellington District Plan Review: Building Mass Control Provisions, Urban Design Report Draft, October 2020

practice with other councils enacting minimum unit sizes, highlighted the need to provide minimum unit sizes. Auckland Unitary Plan's City Centre Zone under H8.6.33⁶⁵ (as well as other zones) has a minimum dwellings size which notes that dwellings must have minimum net internal floor areas as follows:

- 35m² for studio dwellings (The minimum net internal floor area for studio dwellings may be reduced by 5m² where a balcony, ground floor terrace or roof terrace of 5m² or greater is provided); and
- 50m² for one or more bedroom dwellings (The minimum net internal floor area for one or more bedroom dwellings may be reduced by 8m² where a balcony, ground floor terrace or roof terrace of 8m² or greater is provided).

660. New South Wales Government has an Apartment Design Guide⁶⁶ which requires minimum internal areas as follows:

- Studio – 35m²;
- 1 bedroom - 50m²;
- 2 bedroom – 70m²; and
- 3 bedroom – 90m².

661. I consider that irrespective of the directive to 'maximise development capacity' and the CCZ being the city's densest zone, it is important that there are controls to provide a base level of residential amenity to enhance the liveability of the CCZ, as well as for health and wellbeing reasons.

662. As detailed on page 21 of TPG's⁶⁷ report, the provision of adequate living space is a key component of healthy housing. As the report contends, according to the World Health Organization, living space must be such to guarantee adequate privacy in order to meet the needs of the occupants, be accessible and usable for extended users, and be large enough to comfortably accommodate people of different ages.

663. The report also notes on page 21 that living space is understood to have a positive impact on wellbeing (Foye, 2017). It supports a high quality of life by providing space and privacy to unwind, socialise and do activities that we enjoy. The report details that this has the potential to reduce transport emissions, as it provides opportunities to conduct activities in the home that would otherwise require travel (e.g. working, exercising, and socialising). As noted in the TPG report on page 21, a report by the Energy Efficiency and Conservation Authority (EECA) found that if a fifth of those who usually travel to work by car chose to work at home at least one day a week, Aotearoa could avoid 84,000 tonnes of carbon emissions each year (2020). Large living spaces can also enable multi-generational living, which supports social and cultural wellbeing and reduces household costs. These benefits are also captured in Figure 17 below:

⁶⁵ Auckland Unitary Plan, [City Centre Zone](#)

⁶⁶ New South Wales Government, Planning and Environment, [Apartment Design Guide](#), 2015

⁶⁷ The Property Group, [Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report](#), June 2022









	Direct impacts – Benefits				Indirect Desired Wider Benefits
	Benefits to future occupants on site		Protecting benefits enjoyed now by neighbour		
A.		More sunlight and daylight		More sunlight and daylight	Lower chance of streets with no sun (more walkable neighbourhoods) largely applicable to the central city, where taller buildings permitted
B.		Better outlook, less privacy imposition		Better outlook, less privacy imposition	
C.		Direct access to outdoor space, to spend time outside	N/A		Greater sense of identity and civic pride, where buildings are better designed
D.		Minimum size – more storage options. More sociable space (storage for bikes etc.)	N/A		More people cycle, relies on improved end-of-trip (home) facilities supporting increased cycling Possibly - more accessible housing for those with disabilities
E.		Less noise from neighbours		Less noise from neighbours	Gentrified neighbourhoods – lower rates of crime
Improved well being <ul style="list-style-type: none"> • Mental health • Social Interaction • Noise – related 					City branding – more appealing to visitors and potential workers (look and feel)

Figure 17: Direct and Indirect Benefits (Kalimena, 2022⁶⁸)

664. I also consider that providing a minimum unit size helps achieve the NPS-UD objective to provide for a ‘well-functioning urban environment’ under Objective 1, and aligns with the PDP’s strategic directions UFD-O6, UFD-O7, CC-O2 and CC-O3.
665. I also do not consider that compelling evidence or s32AA assessment has been provided by submitters to support the deletion of CCZ-S9, particularly with regards to why CCZ-S9 should not apply to hotel accommodation and student accommodation.
666. I disagree with the amendments proposed in submission points from Stratum [249.37, 249.38] and Kāinga Ora [391.736 and 391.737] to CCZ-S9. I do not consider that compelling evidence or s32AA assessment has been provided by the submitter for a reduction in minimum unit sizes.

Summary of recommendations

667. HS4-P1-CCZ-Rec113: That submission points relating to CCZ-S9 (Minimum residential – unit size) are accepted/rejected as detailed in Appendix B.
668. HS4-P1-CCZ-Rec114: That CCZ-S9 (Minimum residential – unit size) be retained as notified.

CCZ-S10 – Residential Outdoor Living Space (ISPP)

Matters raised by submitters

669. Century Group Limited [238.30] supports CCZ-S10 as notified.
670. Stratum Management Limited [249.39], Kāinga Ora [391.738 (opposed by WCCT FS82.141, LIVE WELLington FS96.41 and Roland Sapsford FS117.40)] and Willis Bond [416.194, 416.195] oppose CCZ-S10 and seek that it is deleted in its entirety.
671. Paul Burnaby [44.18] seeks to amend CCZ-S10 to add a provision within CCZ-S10 regarding ‘juliet balconies’.

Assessment

672. I acknowledge the submission point in support of this standard [238.30].

⁶⁸ The Property Group, [Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report](#), June 2022

673. I disagree with the submission points from Stratum Management Limited [249.39], Kāinga Ora [391.738] and Willis Bond [416.194, 416.195] which seek to delete CCZ-S10. As noted on page 30 of the CCZ, WFZ, STADZ and Te Ngākau S32 report⁶⁹, the Central Area Monitoring Report⁷⁰ found:

- Half of the apartments had only a single aspect;
- Most apartments do not have private outdoor space (66%); and
- For those that do have private outdoor spaces, this space is usually less than 10m².

674. Paragraphs 526-563 of this report speak to the need for on-site residential amenity controls including an outdoor living space requirement. As detailed in TPG's report⁷¹, in table 3 on pages 18 and 19, the provision of open space (private and communal) has the following benefits:

- Potential to contribute to lowering carbon emissions and improved ecological and environmental outcomes;
- Potential to contribute to improved public health outcomes (mental and physical) and sense of place/ connection/ community resulting from access to outdoors/shared open space;
- Potential to contribute to improved sense of place/ connection/ community resulting from access to shared open space;
- Potential for lower health costs resulting from increased access to outdoors/open space; and
- Potential for increased property values.

675. I note that Auckland Unitary Plan's City Centre Zone under H8.6.3372 has minimum dwelling size requirements which have caveats that where a balcony, ground floor terrace or roof terrace is provided then the minimum net floor area for a studio dwelling or one or more bedroom dwellings may be reduced. Under H8.6.33.58(c) the balcony, ground floor terrace or roof terrace:

- Is for the exclusive use of the dwelling occupants;
- Has a minimum depth of 1.2m for studios;
- Has a minimum depth of 1.8m for one or more bedroom dwellings; and
- Balconies and ground floor terraces shall be directly accessible from the principal living room space.

676. The Outdoor living space requirement, including its benefits, is extensively canvassed in paragraphs 621-628 of Part 2 of the officer's S42A report⁷³ for Hearing Stream 2. I note that changes were made to the communal outdoor living space wording and metrics of the HRZ equivalent Outdoor Living Space standard (the same as CCZ-S10). I consider that this change is also necessary for the CCZ-S10. These suggested amendments are included in section 7 minor

⁶⁹ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

⁷⁰ Wellington City Council, [Planning for Growth: Central Area Monitoring Report](#), 2019

⁷¹ The Property Group, [Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report](#), June 2022

⁷² Auckland Unitary Plan, [City Centre Zone](#)

⁷³ Wellington City Council, [Hearing Stream 2 Part S42A report](#)

and inconsequential amendments.

677. Regarding Paul Burnaby’s submission point [44.18] seeking that CCZ-S10 is amended to add a provision for ‘juliet balconies’, I do not consider that this change is necessary. I do not consider that Juliet balconies provide the outcomes and amenities that balconies or sunrooms can provide. As such, I do not support a reference to Juliet balconies in the standard.

Summary of recommendations

678. HS4-P1-CCZ-Rec115: That submission points relating to CCZ-S10 (Residential – outdoor living space) are accepted/rejected as detailed in Appendix B.
679. HS4-P1-CCZ-Rec116: That CCZ-S10 (Residential – outdoor living space) be retained as notified subject to the pre-mentioned changes in Section 7 Minor and inconsequential changes.

CCZ-S11 – Minimum building separation distance (ISPP)

Matters raised by submitters

680. Century Group Limited [238.31] supports CCZ-S11 as notified.
681. Kāinga Ora [391.739 (opposed by WCCT FS82.142, LIVE WELLington FS96.42, Roland Sapsford FS117.41)] opposes CCZ-S11 and seeks that it is deleted in its entirety.
682. Tracey Paterson [74.7, 74.8], Athena Papadopoulos [183.13, 183.14], Lara Bland [184.13, 184.14], Dougal and Libby List [207.15, 207.16], Geoff Palmer [188.13, 188.14], Moir Street Collective [312.15, 312.16], Jane Szentivanyi [376.10, 376.11], Chrissie Potter [446.11] and Dorothy Thompson [449.11] seek that CCZ-S11 is amended as follows:

CCZ-S11 (Minimum buildings separation distance)

1. Any new building or addition to an existing building used for residential activities must provide a 8m separation distance between buildings located on the same site, and a 5m separation distance from any residential building on any adjoining residentially zoned site, as shown in Diagram 18 below.

683. The Retirement Villages Association [350.301, 350.302] seeks that CCZ-S11 is amended as follows:

CCZ-S11 (Minimum buildings separation distance)

1. ...
[diagram]
This standard does not apply to retirement villages.

Assessment

684. I acknowledge the submission point in support of this standard [238.31].
685. I disagree with Kāinga Ora’s submission point [391.739] seeking that CCZ-S11 be deleted. As noted in TPG’s report⁷⁴, testing of sites demonstrates that these rules along with the building

⁷⁴ The Property Group, [Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report](#), June 2022

depth and building separation rules, effectively allow the development to achieve the privacy separation requirements. The intent of the standard is to enhance solar access and the potential for outlook/privacy to be created for residents on-site and those in adjacent developments.

686. Maximum building depth and building separation standards have been used as more effective and flexible alternative standards to site coverage and the ODP massing provision to manage scale and dominance of buildings both on adjoining sites and for on-site amenity. The separation between buildings ensures buildings are not placed closed to each in a way that compromises the privacy of residents and their access to daylight. Paragraphs 526-563 of this report speak to the workability of the ODP Massing control, resource consent trends and the consideration of CCZ-S11 minimum building separation distance and CCZ-S12 maximum building depth.
687. I disagree with the amendment sought by Tracey Paterson [74.7, 74.8], Athena Papadopoulos [183.13, 183.14], Lara Bland [184.13, 184.14], Dougal and Libby List [207.15, 207.16], Geoff Palmer [188.13, 188.14], Moir Street Collective [312.15, 312.16], Jane Szentivanyi [376.10, 376.11], Chrissie Potter [446.11] and Dorothy Thompson [449.11]. I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change to this provision. The effects on development capacity of CCZ sites that sit adjacent to residential zones, and the limitation of extent of the site that the developer could build on adjacent sites, would need to be understood.
688. I disagree with the amendment sought by the Retirement Villages Association [350.301, 350.302]. I do not support the amendments sought as I consider these standards are relevant to the potential adverse effects from retirement villages, which are usually of a large scale.

Summary of recommendations

689. HS4-P1-CCZ-Rec117: That submission points relating to CCZ-S11 (Minimum building separation distance) are accepted/rejected as detailed in Appendix B.
690. HS4-CCZ-P2-Rec118: That CCZ-S11 (Minimum building separation distance) be retained as notified.

CCZ-S12 – Maximum Building Depth (ISPP)

Matters raised by submitters

691. Century Group Limited [238.32] and Restaurant Brands Limited [349.203 (opposed by Foodstuffs FS23.81)] support CCZ-S12 as notified.
692. Precinct Properties New Zealand Limited [139.57], Stratum Management Limited [249.40], Kāinga Ora [391.740 (opposed by WCCT FS82.143, LIVE WELLington FS96.43 and Roland Sapsford FS117.42)], Willis Bond [416.196], Fabric Property Limited [425.85] and Foodstuffs [476.101] oppose CCZ-S12 and seeks that it is deleted in its entirety.
693. Retirement Villages Association [350.303, 350.304] seeks that CCZ-S12 is amended as follows:

CCZ-S12 (Maximum building depth)

1. ...

[diagram]

This standard does not apply to retirement villages.

Assessment

694. I acknowledge the submission point in support of this standard [238.32 and 349.203].
695. I disagree with Precinct Properties New Zealand Limited [139.57], Stratum Management Limited [249.40], Kāinga Ora [391.740], Willis Bond [416.196], Fabric Property Limited [425.85] and Foodstuffs [476.101] who seek CCZ-S12 be deleted. I consider that the proposed building depth standard contributes to privacy and averting overdominance by preventing buildings overlooking each other and enables improved sunlight access into the centre of sites.
696. This standard intends to break up the bulk of buildings so that there is not one continuous building mass running the full length of a site. The benefit it provides is that it provides for privacy, and reduces shadowing and building dominance. I note TPG's report⁷⁵ findings that testing of sites demonstrates that other rules, along with the building depth and building separation rules, effectively allow development to achieve the privacy separation rule not only from external site boundaries, but between buildings on the same site.
697. Maximum building length and building separation standards have been proposed as more effective and flexible alternative standards to the ODP site coverage and massing control approach, and manage the scale and dominance of buildings both on adjoining sites and for on-site amenity. In my view, maximum building depth will encourage buildings to be placed at the front of sites and prevent long buildings into the site and facing adjoining properties.
698. Paragraphs 521-527 of this report speak to the workability of the ODP Massing control, resource consent trends and the consideration of CCZ-S11 minimum building separation distance and CCZ-S12 maximum building depth. Pages 37,149 and 151 of the CCZ, WFZ, STADZ and Te Ngākau S32⁷⁶ discuss building depth including the benefits it provides. As the S32 notes the proposed building depth standard contributes to privacy and averting overdominance by preventing buildings overlooking each other and enables improved sunlight access into the centre of sites.
699. I do not support the amendments sought by RVA [350.303, 350.304] as I consider these standards are relevant to the potential adverse effects from retirement villages, which are usually of a large scale.

Summary of recommendations

700. HS4-P1-CCZ-Rec119: That submission points relating to CCZ-S12 (Maximum Building Depth) are accepted/rejected as detailed in Appendix B.
701. HS4-P1-CCZ-Rec120: That CCZ-S12 (Maximum Building Depth) is retained as notified.

CCZ-S13 – Outlook Space (ISPP)

Matters raised by submitters

702. Century Group Limited [238.33] supports CCZ-S13 as notified.
703. Kāinga Ora [391.741 (opposed by WCCT FS82.144, LIVE WELLington FS96.44 and Roland Sapsford FS117.43)] opposes CCZ-S13 and seeks that it is deleted in its entirety.

⁷⁵ The Property Group, [Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report](#), June 2022

⁷⁶ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

Assessment

704. I acknowledge the submission point in support of this standard [238.33].

705. I disagree with Kāinga Ora [391.741] which seeks to delete CCZ-S13. I consider it is fundamental to allow for outlook space for residents. The TPG reports details the benefits of providing for privacy and outlook on pages 18 and 19 in table 3 as follows:

- Potential to improve environmental outcomes from increased appreciation of the natural environment from positive outlooks;
- Potential to contribute to improved public health outcomes (mental and physical) resulting from improved feelings of security, and positive outlooks;
- Potential to support cultural and spiritual well being from enhanced feelings of privacy and positive outlooks; and
- Potential for increased property values resulting from enhanced feelings of privacy and positive outlooks.

Summary of recommendations

706. HS4-P1-CCZ-Rec121: That submission points relating to CCZ-S13 (Outlook Space) are accepted/rejected as detailed in Appendix B.

707. HS4-P1-CCZ-Rec122: That CCZ-S13 (Outlook Space) is retained as notified.

4.0 Submissions Relating to Te Ngākau provisions

General points

Matters raised by submitters

708. Heritage New Zealand Pouhere Taonga [70.35 (supported by Onslow Historical Society FS6.25 and Historic Places Wellington Inc FS111.24)] supports CCZ-PREC01 as notified.

Summary of recommendations

709. HS4-P1-CCZ-Rec123: That submission points relating to General points on the CCZ-PREC01 are accepted/rejected as detailed in Appendix B.

710. HS4-P1-CCZ-Rec124: That no changes are made to CCZ-PREC01 as a result of these General points on CCZ-PREC01.

CCZ-PREC01 Introduction (P1 Sch1)

Matters raised by submitters

711. Wellington Civic Trust [388.21, 388.22 (opposed by Willis Bond FS12.1, FS12.2, and supported by WCCT FS82.165)] seeks that CCZ-PREC01 Introduction is amended as follows:

CCZ-PREC01 Te Ngākau Civic Square Precinct

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

712. Willis Bond [416.140 (opposed by Wellington Civic Trust FS83.22)] considers Te Ngākau Civic Square Precinct needs to be able to adapt in years to come to Wellington’s changing needs and questions whether two of the buildings should be included given the intention to demolish the Civic Administration Building (and possibly the Municipal Office Building). The submitter seeks that CCZ-PREC01 Introduction is amended as follows:

CCZ-PREC01 Te Ngākau Civic Square Precinct

...

The Precinct is Wellington's unique civic place. It is located in the heart of the City Centre and is a destination in itself. It is also an anchor point and gateway that connects the city centre’s entertainment area, the waterfront and the Central Business District. Wellington’s major civic and entertainment venues are located within the precinct, including the Wellington Town Hall, City Gallery Wellington (Te Whare Toi), Wellington City Library (Te Matapihi), Michael Fowler Centre, ~~Civic Administration Building, Municipal Office Building,~~ and Capital E.

Assessment

713. I acknowledge the concerns raised by Wellington Civic Trust [388.21, 388.22] and I accept their submission points. I agree with their amendment to reference ‘public use’. Te Ngākau Civic Square Precinct is a public space that is significant to the CCZ and city as a whole, and its residents. Retention of this public space within the precinct is integral.
714. However, I disagree with their requested amendments to delete ‘and redevelopment’ and ‘while ensuring that any future development’ and utilise alternative wording. As I noted in section 1.1 (page 6) of the CCZ, WFZ, STADZ and Te Ngākau Civic Square Precinct S32⁷⁷, the purpose of Te Ngākau is to provide for civic activities, functions, areas of open space and redevelopment of the precinct while ensuring that any future development respects the special qualities of the area, including the concentration of listed heritage buildings.
715. I acknowledged in this section that the Te Ngākau Civic Square Precinct (Te Ngākau) presents a shift away from the ODP’s approach. The ODP’s Civic Square Heritage Area has been removed and replaced with a new precinct approach, consistent with the approved Te Ngākau Civic Precinct Framework. I consider that the Te Ngākau provisions as proposed provide a balance between respecting the special existing qualities of the area, whilst enabling redevelopment as clearly signalled through the Te Ngākau Framework and Council decisions on different buildings around Te Ngākau.
716. On page 13 of the s32 report I note that in accordance with section 6(f) of the RMA, the Te Ngākau precinct seeks to ensure building design respects the form, scale and style of heritage buildings and wider architectural elements within the precinct, including interface treatment with the Town Hall. This is reflected in the precinct’s introduction and policy framework. That said I also note that the precinct also:
- Support a resilient urban environment that effectively adapts and responds to natural hazard risks;

- Seeks to respond to climate change effects, including the adaptive reuse of existing buildings, requiring new buildings to be resiliently designed and encouraging micro-mobility and public transport use and connections; and
- Gives effect to the Te Ngākau Civic Precinct Framework, 2021⁷⁸ through the precinct's policy framework, and recognition that the square needs to be redeveloped for a variety of reasons include climate change adaptation, resilience and to enhance the vitality, vibrancy, amenity, safety and connectivity of the precinct.

717. I consider the strong focus on future development of the square needs to be retained. As canvassed on page 31 of the Section 32 report⁷⁹, the Te Ngākau Civic Precinct Framework, 2021 identified various issues within the precinct that have arisen and need to be addressed including:

- Closure of buildings due to seismic damage or poor seismic performance has meant a loss of people, activity and vibrancy in the precinct;
- Te Ngākau does not reflect Wellington's unique culture and identity, specifically, it does not reflect mana whenua and Te Ao Māori;
- The precinct has major resilience challenges now and is not equipped to deal with future resilience challenges such as climate change or a major earthquake;
- The precinct fails to integrate with the central city and the waterfront and provide clear, safe and inclusive access between these important places;
- As a public space (even before building closures), civic square is unsuccessful. It lacks activation from the buildings, it is hard and impermeable and there are inherent safety and access issues due to challenging levels, obstructed sightlines and an overall lack of permeability and legibility (access and intuitive wayfinding); and
- The precinct lacks greenery and green open space and does not reflect the natural character of Wellington harbour.

718. As noted on page 85 of the s32 report⁸⁰, although the ODP has contributed to successful outcomes for the City Centre up until now, particularly with regards to public amenity and managing adverse effects, the current provisions are outdated. They do not reflect the current and future changes expected for the CCZ and Te Ngākau, and future priorities around accommodating growth, quality design and residential amenity. As noted on page 100 and 101 of the report, a precinct control was applied to Te Ngākau, rather than carrying through the ODP's Civic Centre Heritage Area. This approach enables redevelopment of the precinct in accordance with the Te Ngākau Precinct Framework, and is considered the most applicable approach to managing the distinct character and amenity of the area and its civic function..

719. I consider that the PDP as notified, provides alignment with the Te Ngākau Precinct Framework and vision for the precinct, as well as the anticipated redevelopment and activity that this area needs to enhance its vibrancy, vitality, use and resilience to natural hazards and climate change risks. I note that extensive engagement on the framework was undertaken with key stakeholders and public feedback sought about the future of this precinct.

⁷⁸ The Property Group, [Wellington City Council Te Ngākau Civic Precinct Framework](#) October 2021

⁷⁹ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

⁸⁰ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

720. I acknowledge the submission point of Willis Bond [416.140]. As noted in paragraph 950 of the Hearing Stream 3 S42A report⁸¹ with respect to the MOB, I identify that on 10 December 2020 the Strategy and Policy Committee agreed that in the context of the Te Ngākau Precinct Framework the preferred regeneration option was to demolish the building and replace it with a new one. In passing this resolution it noted the contributory status of the building within the ODP and that a resource consent would be required to demolish it. I note the recommendation (HS3-Rec217) of the report that SCHED1 is not amended to include The Michael Fowler Centre, The Municipal Office Building, The Civic Administration Building, Wellington Central Library.
721. At the subsequent meeting on 30 September 2021 Councillors decided to approve the Precinct Plan, which included the demolition of CAB and MOB. Subsequently resource consent has been approved to demolish CAB. Given this I consider the introduction needs to be updated to reflect these decisions.

Summary of recommendations

722. HS4-P1-CCZ-Rec125: That submission points relating to CCZ-PREC01 Introduction are accepted/rejected as detailed in Appendix B.

723. HS4-P1-CCZ-Rec126: That CCZ-PREC01 Introduction be amended as follows:

CCZ-PREC-01	Te Ngākau Civic Square Precinct
<p>The purpose of the Te Ngākau Civic Square Precinct is to provide for civic activities, functions, public use and areas of open space and redevelopment of the precinct while ensuring that any future development respects the special qualities of the area, including the concentration of listed heritage buildings.</p> <p>The Precinct is Wellington's unique civic place. It is located in the heart of the City Centre and is a destination in itself. It is also an anchor point and gateway that connects the city centre's entertainment area, the waterfront and the Central Business District. Wellington's major civic and entertainment venues are located within the precinct, including the Wellington Town Hall, City Gallery Wellington (Te Whare Toi), Wellington City Library (Te Matapihi), Michael Fowler Centre, Civic Administration Building, Municipal Office Building, and Capital E.</p>	

CCZ-PREC01-01 – Purpose (ISPP)

Matters raised by submitters

724. Wellington Civic Trust [388.25] support CCZ-PREC01-01 as notified.
725. Willis Bond [416.146 (opposed by WCCT FS82.150, Wellington Civic Trust FS83.23, LIVE WELLington FS96.46)] considers that reference to Te Ngākau Civic Square Precinct as being supported by a range of activities that “complement its primary civic function” may unintentionally narrow the scope of activities in Te Ngākau. The submitter considers that appropriate activities should be those that support the application of a long-term vision for Te Ngākau as the “beating heart” of Wellington. Seeks that CCZ-PREC01-01 is amended to either of the following options:

⁸¹ Wellington City Council, [Hearing Stream 3 S42A report](#), 2023

CCZ-PREC01-O1 (Purpose)

Option A

Te Ngākau Civic Square Precinct is a vibrant, safe, resilient, connected and inclusive environment supported by a range of activities that ~~complement its primary~~ do not detract from its civic function.

Option B

Te Ngākau Civic Square Precinct is a vibrant, safe, resilient, connected and inclusive environment supported by a range of activities that ~~complement its primary civic function~~ help to create a vibrant and welcoming space.

Assessment

726. I acknowledge the submission point in support of this objective [388.25].
727. Whilst I understand the intent of the submission point from Willis Bond [416.146], I do not consider that acknowledging ‘a range of activities that complement’ the ‘primary civic function’ of the precinct limits the scope of activities that can occur in Te Ngākau. The list of enabled activities in CCZ-PREC01-P1 and their associated permitted activity rules, in my view, show that a variety of activities are enabled in the zone and that their intent is to work cohesively with the civic function and origins of the precinct.
728. I consider the wording ‘do not detract’ in Option A is a marked change from ‘compliment’ with more of a negative impression, whilst I consider that Option B is unnecessary and repeats the term ‘vibrant’ unnecessarily.

Summary of recommendations

729. HS4-P1-CCZ-Rec127: That submission points relating to CCZ-PREC01-O1 (Purpose) are accepted/rejected as detailed in Appendix B.
730. HS4-P1-CCZ-Rec128: That CCZ-PREC01-O1 (Purpose) be retained as notified.

CCZ-PREC01-O2 – Built Form (ISPP)

Matters raised by submitters

731. Wellington Civic Trust [388.26] seeks that CCZ-PREC01-O2 is retained as notified.
732. Willis Bond [416.147 and 416.148 (opposed by Wellington Civic Trust FS83.24 and FS83.25)] seeks that CCZ-PREC01-O2 is amended as follows:

CCZ-PREC01-O2 (Built form)

The scale, form and positioning of development within the Te Ngākau Civic Square Precinct:

...

3. Frames the square where situated adjacent to the square;

4. Ensures a high degree of sunlight access is achieved within ~~the precinct~~ public spaces in the precinct;

...

733. WCC Environmental Reference Group [377.477 (opposed by Wellington Civic Trust FS83.30)] considers the objective does not provide for a ‘green environment’ as described in the preamble introduction to the CCZ. Seeks to amend CCZ-PEC01-O2 as follows:

CCZ-PREC01-O2 (Built form)

The scale, form and positioning of development within the Te Ngākau Civic Square Precinct:

...

5. Provides multiple connections which enable people to conveniently move between the city centre and the waterfront; ~~and~~
6. Is sustainable and resilient; and
7. Provides for green spaces and encourages indigenous biodiversity where possible.

Assessment

734. I acknowledge the submission point in support of this objective [388.26].
735. I agree with the submission points of Willis Bond [416.147, 416.148] in part. I do not agree with the suggested amendment 'where situated adjacent to the square', I think this addition is onerous and unnecessary as all development in the precinct should 'frame the square' and the suggested addition creates ambiguity.. It would be useful to know what sites/areas of the precinct they do not consider 'frame the square' and instead are 'adjacent to the square'.
736. However, I do agree with their second amendment that notes sunlight access is to be achieved within 'public spaces in the precinct' rather than 'the precinct' generally. This aligns with CCZ minimum sunlight access – public space standard CCZ-S6's wording (see figure 18) and intent, as well as the detail in Appendix 9 and most notably the mapped extent of the minimum sunlight control. The sunlight control (which is an existing ODP control for Te Ngākau) covers the public space extent. I consider this aligns with the suggested wording amendment.

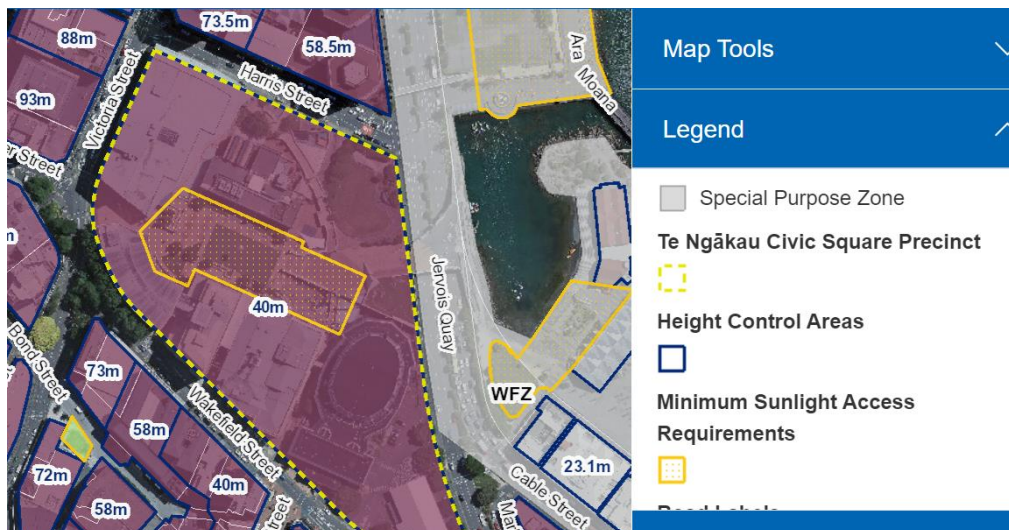


Figure 18: Showing the minimum sunlight access requirement in Te Ngākau and the precinct extent.

737. I acknowledge the intent of WCC Environmental Group's submission point [377.477] and their concerns regarding providing greater green space in the CCZ. Whilst I think a reference can be made to providing for green space, I consider a 'where possible' caveat needs to be added as this is not always possible and alternative public space design may be necessary without a green function. I note that this reference to green space aligns with the direction in the green network plan to enable more green space provision in the CCZ.
738. However, I do not agree with adding 'indigenous biodiversity', as I consider that this is overly onerous and may not always be possible to achieve.

Summary of recommendations

739. HS4-P1-CCZ-Rec129: That submission points relating to CCZ-O2 (Built Form) are accepted/rejected as detailed in Appendix B.

740. HS4-P1-CCZ-Rec130: That CCZ-PREC01-O2 (Built Form) be amended as follows:

CCZ-PREC01-O2	Built form The scale, form and positioning of development within the Te Ngākau Civic Square Precinct: <ol style="list-style-type: none">1. Respects and reinforces the distinctive form and scale of existing associated historic heritage buildings, architecture and public space;2. Integrates mana whenua values into the design;3. Frames the square;4. Ensures a high degree of sunlight access is achieved within the precinct <u>public spaces in the precinct</u>;5. Provides multiple connections which enable people to conveniently move between the city centre and the waterfront; and6. Is sustainable and resilient; <u>and</u>7. <u>Provides for green spaces, where possible.</u>
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CCZ-PREC01-O3 – Integration with the City Centre, Waterfront and wider transport network (ISPP)

Matters raised by submitters

741. WCC Environmental Reference Group [377.478], Wellington Civic Trust [388.27] and Willis Bond [416.149] support CCZ-PREC01-O3 as notified. No other submitters oppose or seek to amend this provision.

Summary of recommendations

742. HS4-P1-CCZ-Rec131: That submission points relating to CCZ-PREC01-O3 (Integration with the City Centre, Waterfront and wider transport network) are accepted as detailed in Appendix B.

743. HS4-P1-CCZ-Rec132: That CCZ-PREC01-O3 (Integration with the City Centre, Waterfront and wider transport network) is confirmed as notified.

CCZ-PREC01-P1 –Activities (P1 Sch1)

Matters raised by submitters

744. Wellington Civic Trust [388.28] and Willis Bond [416.164] support CCZ-PREC01-P1 as notified. No other submitters opposed to seek to amend CCZ-PREC01-P1.

Summary of recommendations

745. HS4-P1-CCZ-Rec133: That submission points relating to CCZ-PREC01-P1 (Activities) are accepted as detailed in Appendix B.

746. HS4-P1-CCZ-Rec134: That CCZ-PREC01-P1 (Activities) is confirmed as notified.

CCZ-PREC01-P2 – Use and development of the Te Ngākau Civic Square Precinct (ISPP)

Matters raised by submitters

747. Wellington Civic Trust [388.29, 388.30] considers that CCZ-PREC01-P2 should be amended to reflect that as much as possible of the existing buildings, structures and spaces should be retained for reuse, rather than demolition and replacement buildings. The submitter seeks that CCZ-PREC01-P2 is amended as follows:

CCZ-PREC01-P2 (Use and development of the Te Ngākau Civic Square Precinct)

Provide for ~~the staged redevelopment of~~ managed change in the Te Ngākau Civic Square Precinct, and its connections with the transport network, wider City Centre Zone and Waterfront Zone, including:

1. Enhancing the public function, pedestrian network and public spaces within the precinct;
2. Maintaining its special character by managing the form, scale and intensity of development;
3. Ensuring land use activities and any new development are planned and designed in a co-ordinated, site-responsive, comprehensive and integrated manner; and
4. ~~Enabling new development and~~ a range of activities that are integrated and compatible with existing buildings and land uses in the precinct.

748. Willis Bond [416.165 (opposed by Wellington Civic Trust FS83.26)] seeks that CCZ-PREC01-P2 is amended as follows:

CCZ-PREC01-P2 (Use and development of the Te Ngākau Civic Square Precinct)

Provide for the staged redevelopment of the Te Ngākau Civic Square Precinct, and its connections with the transport network, wider City Centre Zone and Waterfront Zone, including:

1. Enhancing the public function, pedestrian network and public spaces within the precinct;
2. Maintaining its special character by managing the form, scale and intensity of development;
3. Ensuring land use activities and development are planned and designed in a co-ordinated, site-responsive, comprehensive and integrated manner to the extent reasonable while allowing for development to progress in a natural manner; and
4. Enabling new development and a range of activities that are integrated and compatible with existing buildings and land uses in the precinct."

Assessment

749. Whilst I understand the concerns raised in the submission point by Wellington Civic Trust [388.29, 388.30] I do not agree with the proposed amendments. I consider that the suggested changes will adversely inhibit re-development that is necessary to address the issues I have noted in paragraph 648. Whilst some existing buildings may be able to be retained for reuse, for example the Central Library and Town Hall, some buildings can be considered for demolition and replacement for different reasons specific to the state of each existing building.
750. Given the redevelopment envisioned through the framework, I consider that it is important that reference to 'staged redevelopment' is retained as this is the reality of re-development and revitalisation of a large area like Te Ngākau. New development needs to be enabled, Council cannot rely on just re-use of existing buildings alone.
751. Whilst I understand the intent of Willis Bond's submission point [416.165], I consider that the addition to clause 3 creates more ambiguity than clarity. In particular with the reference to 'the extent reasonable' and 'progress in a natural manner'.

Summary of recommendations

752. HS4-P1-CCZ-Rec135: That submission points relating to CCZ-PREC01-P2 (Use and development of the Te Ngākau Civic Square Precinct) are accepted/rejected as detailed in Appendix B.
753. HS4-P1-CCZ-Rec136: That CCZ-PREC01-P2 (Use and development of is the Te Ngākau Civic Square Precinct) is retained as notified.

CCZ-PREC01-P3 – Access, connections and open space (ISPP)

Matters raised by submitters

754. Willis Bond [416.166] support CCZ-PREC01-P3 as notified.
755. Wellington Civic Trust [388.31, 388.32] seeks that CCZ-PREC01-P3 is amended as follows:

CCZ-PREC01-P3 (Access, connections and open space)

Require that the use and development of the Te Ngākau Civic Square Precinct:

...

3. Provides well-designed, safe and accessible public and green open space, within the precinct.
4. Avoids vehicle access at surface level with the precinct.

Assessment

756. I acknowledge the submission in support of this policy [416.166].
757. With regards to Wellington Civic Trust's submission point [388.31, 388.32], I consider that for the majority of the precinct avoiding vehicle access at surface level within the precinct is an expectation due to lack of vehicle access to the square itself (from Mercer Street, Victoria Street and Harris Street). However, I note that the precinct includes the Michael Fowler Centre and also the future redevelopment site in the Michael Fowler Street carpark. For these areas, I do not consider the change to be appropriate and it is overly restrictive where vehicle access at surface level is needed i.e. when setting up for events at Michael Fowler or delivery of goods and services.

Summary of recommendations

758. HS4-P1-CCZ-Rec137: That submission points relating to CCZ-PREC01-P3 (Access, connections and open space) are accepted/rejected as detailed in Appendix B.
759. HS4-P1-CCZ-Rec138: That CCZ-PREC01-P3 (Access, connections and open space) be confirmed as notified.

CCZ-PREC01-P4 – Amenity and Design (ISPP)

Matters raised by submitters

760. Wellington Civic Trust [388.33], Taranaki Whānui ki te Upoko o te Ika [389.105] and Willis Bond [416.167] support CCZ-PREC01-P4 as notified. No other submission points seek to oppose or amend CCZ-PREC01-P4.

Summary of recommendations

- 761. HS4-P1-CCZ-Rec139: That submission points relating to CCZ-PREC01-P4 (Amenity and design) are accepted as detailed in Appendix B.
- 762. HS4-P1-CCZ-Rec140: That CCZ-PREC01-P4 (Amenity and design) be confirmed as notified.

CCZ-PREC01-R1 through to CCZ-PREC01-R6

Matters raised by submitters

- 763. Willis Bond [416.172 – 416.178] seeks that CCZ-PREC01-R1 through to CCZ-PREC01-R6 are amended so that Permitted Activity rules are expanded to consider more activities. The submitter notes that the activities considered in this section are very narrow – for example, childcare activities are not permitted, which is a current activity within precinct. At a minimum the submitter seeks that CCZ-PREC01-R7 is replaced with Educational Facilities with a permitted activity status and ‘All other land use activities’ re-numbered to CCZ-PREC01-R8.
- 764. Willis Bond [416.141] considers that the activities that are permitted overlook educational facilities and seeks a new rule as CCZ-PREC01-R7 for Educational Facilities as a Permitted activity status and re-number CCZ-PREC01-R7 (all other land use activities) to CCZ-PREC01-R8.

Assessment

- 765. I acknowledge Willis Bond’s submission points [416.172 – 416.178, 416.141]. I agree that Educational Facilities should be added to the Precinct’s rule framework. I do not agree that the current activities enabled through the Precinct’s rule framework are very narrow in scope, I consider that the activities in the PDP serve the existing activities of the precinct and future needs. However, I do agree that a small selection of additional activities could be enabled in the Precinct, including government activities and educational facilities.

Summary of recommendations

- 766. HS4-P1-CCZ-Rec141: That submission points relating to CCZ-PREC01-R1 (Civic activities) to CCZ-PREC01-R6 are accepted/rejected as detailed in Appendix B.
- 767. HS4-P1-CCZ-Rec142: That CCZ-PREC01-R1 (Civic activities), CCZ-PREC01-R2 (Arts, culture, and entertainment activities), CCZ-PREC01-R3 (Community activities), CCZ-PREC01-R4 (Commercial facilities), CCZ-PREC01-R5 (Recreation activities) and CCZ-PREC01-R6 (Residential activities) be confirmed as notified.
- 768. HS4-P1-CCZ-Rec143: That a new rule for educational facilities be added as follows:

<u>CCZ-PREC01-RX</u>	<u>Educational facilities</u>
1. <u>Activity status: Permitted</u>	

- 769. HS4-P1-CCZ-Rec144: That a new rule for government activities be added as follows:

<u>CCZ-PREC01-RX</u>	<u>Government activities</u>
1. <u>Activity status: Permitted</u>	

- 770. HS4-P1-CCZ-Rec145: That CCZ-PREC01-R7 (All other land use activities) gets renumbered as required as a result of other recommendations.

CCZ-PREC01-R7 – All Other Land Use Activities (P1 Sch1)

Matters raised by submitters

771. In the Proposed District Plan, CCZ-PREC01-R7 was duplicated into two rules. Parliamentary Service [375.17] and Willis Bond [416.179 (supported by Wellington Civic Trust FS83.27)] seek that CCZ-PREC01-R7 is amended to remove the double CCZ-PREC01-R7 provision by re-numbering the additional CCZ-PREC01-R7 (Construction of Buildings and Structures, Additions and Alterations to Buildings and Structures) to CCZ-PREC01-R8.

Assessment

772. I acknowledge the submission points of Parliamentary Service [375.17] and Willis Bond [416.179].
773. I agree that the rules need to be renumbered to fix this duplication in CCZ-PREC01-R7 numbering.

Summary of recommendations

774. HS4-P1-CCZ-Rec146: That submission points relating to CCZ-R7 (All other land use activities) are accepted/rejected as detailed in Appendix B.
775. HS4-P1-CCZ-Rec147: That CCZ-PREC01-R7 Construction of buildings and structures, additions and alterations to buildings and structures be renumbered as follows:

CCZ-PREC01-R7 8	Construction of buildings and structures, additions and alterations to buildings and structures
	<p>1. Activity status: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in CCZ-PREC01-P2, CCZ-PREC01-P3 and CCZ-PREC01-P4; 2. The extent and effect of non-compliance with CCZ-S1, 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; 4. The Residential Design Guide; 5. The outcomes of any consultation undertaken with mana whenua; 6. The extent and effect of any identifiable site constraints; 7. The extent to which the proposed building or addition/alteration respects the form, scale and style of historic heritage buildings located within the precinct; 8. The extent to which the new building or addition/alteration to a building has an adverse impact on the micro-climate of surrounding public space, including any impacts on sunlight access and wind protection; and 9. The design, scale and configuration of the proposed building/structure or building additions/ alterations, including: <ol style="list-style-type: none"> a. The scale of development anticipated within the precinct and in the vicinity of the site; b. Their visual and architectural quality based on such factors as form, scale, design, portion and detailing of the building/structure or building additions/alterations; and c. The safe movement of people to, from and within the site, precinct and surrounding transport and street network.

Notification status: An application for resource consent made in respect of rule CCZ-PREC01-R7.1 must be publicly notified.

CCZ-PREC01-R7 – Construction of Buildings and Structures, Additions and Alterations to Buildings and Structures (ISPP)

Matters raised by submitters

776. Willis Bond [416.180 (opposed by Wellington Civic Trust FS83.28)] considers the requirement for public notification will unnecessarily fetter development in the Te Ngākau Civic Square Precinct and add cost and delay even to minor alternations or additions to structures within the precinct. The submitter seeks that CCZ-PREC01-R7 is amended as follows:

CCZ-PREC01-R7 – Construction of Buildings and Structures, Additions and Alterations to Buildings and Structures ...

Notification status: ~~An application for resource consent made in respect of rule CCZ-PREC01-R7.1 must be publicly notified.~~ An application for resource consent made in respect of rule CCZ-PREC01-R7.1 which complies with CCZ-S1, CCZ-S3 and CCZ-S5 to CCZ-S13 is precluded from being either limited or publicly notified.

777. Argosy [383.118 (opposed by Wellington Civic Trust FS83.32)] seeks that CCZ-PREC01-R7 (Construction of Buildings and Structures, Additions and Alterations to Buildings and Structures) is amended to remove the CMUDG as a matter of discretion.

Assessment

778. I agree with the submission point in part of Willis and Bond, with respect to additions and alterations to existing buildings. I consider that it remains appropriate, given the level of public interest in the space that new buildings and structures are publicly notified. I recommend that the notification clause for the rule is refined to achieve this.

779. With regards to Argosy’s submission point [383.118] seeking that the Centres and Mixed-Use Design Guide (CMUDG) be removed from CCZ-PREC01-R7, I would only consider this to be appropriate if the CMUDG was referenced in the necessary policies to ensure the rules hook back to the design guides through the policies. In particular, CCZ-Prec01-P2 and CCZ-PREC01-P4. However, for the precinct I consider this to be onerous. I also note that no submission has been raised to amend the matter of discretion in the rule relating to the Residential Design Guide. As such if the CMUDG was removed and re-housed in policies this would create inconsistency of referencing, structure and potentially application within precinct policy and rule framework.

Summary of recommendations

780. HS4-P1-CCZ-Rec148: That submission points relating to CCZ-PREC01-R7 (Construction of Buildings and Structures, Additions and Alterations to Buildings and Structures) are accepted/rejected as detailed in Appendix B.

781. HS4-P1-CCZ-Rec149: That CCZ-PREC01-R7 (Construction of Buildings and Structures, Additions and Alterations to Buildings and Structures) be amended as follows:

CCZ-PREC01-R78	Construction of buildings and structures, additions and alterations to buildings and structures
2. Activity status: Restricted Discretionary	
Matters of discretion are:	

1. The matters in CCZ-PREC01-P2, CCZ-PREC01-P3 and CCZ-PREC01-P4;
2. The extent and effect of non-compliance with CCZ-S1, 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;
4. The Residential Design Guide;
5. The outcomes of any consultation undertaken with mana whenua;
6. The extent and effect of any identifiable site constraints;
7. The extent to which the proposed building or addition/alteration respects the form, scale and style of historic heritage buildings located within the precinct;
8. The extent to which the new building or addition/alteration to a building has an adverse impact on the micro-climate of surrounding public space, including any impacts on sunlight access and wind protection; and
9. The design, scale and configuration of the proposed building/structure or building additions/ alterations, including:
 - a. The scale of development anticipated within the precinct and in the vicinity of the site;
 - b. Their visual and architectural quality based on such factors as form, scale, design, portion and detailing of the building/structure or building additions/alterations; and
 - c. The safe movement of people to, from and within the site, precinct and surrounding transport and street network.

Notification status: An application for resource consent made in respect of rule CCZ-PREC01-R78.1 for a new building or structure, but excluding any additions and alterations to a building or structure, must be publicly notified.

CCZ-PREC01-S1 – Maximum Height (ISPP)

Matters raised by submitters

782. Paul Burnaby [44.19] supports CCZ-PREC01-S1 as notified. No other submitters oppose or seek to amend CCZ-PREC01-S1.

Summary of recommendations

783. HS4-P1-CCZ-Rec150: That submission points relating to CCZ-PREC01-S1 (Maximum Height) are accepted as detailed in Appendix B.

784. HS4-P1-CCZ-Rec151: That CCZ-PREC01-S1 (Maximum height) is confirmed as notified.

5.0 Submissions Relating to Appendix 9

Matters raised by submitters

785. Claire Nolan et al [275.43] seeks that APP9 – City Centre Zone & Special Purpose Waterfront Zone – Minimum Sunlight Access and Wind Comfort Control – Public Space Requirements is retained as notified.

Summary of recommendations

786. HS4-P1-CCZ-Rec152: That submission points relating to Appendix 9 are accepted/rejected as detailed in Appendix B.

787. HS4-P1-CCZ-Rec153: That Appendix 9 be confirmed as notified.

6.0 Proposed New City Centre Zone Provisions

Matters raised by submitters

788. Parliamentary Service [375.13] seeks that the Parliamentary Precinct be recognised in planning provisions in a similar way to the Te Ngākau Civic Square Precinct. The submission notes these Parliamentary Precinct provisions could be analogous to:

- Objectives: CCZ-PREC-01, CCZ-PREC-02, CCZ-PREC-03
- Policies: CCZ-PREC01-P1, CCZ-PREC01-P2, CCZ-PREC01-P3, CCZ-PREC01-P4
- Rules: CCZ-PREC01-R1, CCZ-PREC01-R2, CCZ-PREC01-R3, CCZ-PREC01-R4, CCZ-PREC01-R5, CCZ-PREC01-R6, CCZ-PREC01-R7
- Standard: CCZ-PREC01-S1.

789. Parliamentary Service [375.14] considers rules need to be clarified to make clear that Parliamentary activities are permitted in the CCZ, because such activities do not clearly fall within any of the activities listed in CCZ-P1. A new rule is sought as follows:

CCZ-RX (Parliamentary activities)

1. Permitted

790. Catharine Underwood [481.32] considers that all new buildings in the inner city should have a minimum setback of at least 1.5m (2m is better) to give room for a green corridor. The submitter seeks a new standard in the CCZ setting boundary setbacks of at least 1.5m for all new buildings.

791. Wellington Civic Trust [388.23 (supported by WCCT FS82.166)] considers that the CCZ chapter should have an additional rule immediately before or after CCZ-PREC01-R7 as follows:

CCZ—PREC01-RX (Demolition or removal of buildings and structures in the Te Ngākau Civic Square Precinct)

1. Activity status: Permitted

Where:

a. The demolition or removal of a building is required to avoid an imminent threat to life and/or property.

2. Activity status: Discretionary

Where the demolition or removal of a building or structure;

i. Enables the creation of public space; or

ii. Is required for the purposes of constructing a new building or adding to or altering an existing building.

3. Activity status: Non-complying

Where:

a. Compliance with any of the requirements of CCZPRE-RXX 1 or 2 cannot be achieved.

Notification status: An application for resource consent made in respect of rule CCZ-PRE-RXX 2. or 3. must be publicly notified.

1. Activity status: Discretionary

792. Wellington Civic Trust [388.24 (supported by WCCT **FS82.167**)] also considers that the CCZ chapter should have an additional rule for the Precinct that relates to the modification of existing open space or the development of new open space as follows:

CCZ—PREC01-RX (Development of new public space, or modification of existing public open space in the Te Ngākau Civic Square Precinct)

1. Activity status: Discretionary

The assessment of the activity must have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022].

Notification status: An application for resource consent made in respect of rule CCZ-PRE-RXXX must be publicly notified.

Assessment

793. With regards to Parliamentary Service’s submission points [375.13, 375.14], I agree that parliamentary service activities should be recognised in CCZ planning provisions and clarification provided that Parliamentary activities are permitted in the CCZ. I note these changes I have made under my recommendation HS4-P1-CCZ-Rec2, HS4-P1-CCZ-Rec3, HS4-P1-CCZ-Rec4 and HS4-P1-CCZ-Rec26.

794. However, I do not agree that the Parliamentary Precinct can be recognised in a similar way to Te Ngākau Civic Square Precinct, as the submitter suggests, without having a precinct under the CCZ also added for the Parliamentary area. I do not consider that a precinct is necessary or appropriate noting that the Parliamentary area is protected by its own Heritage Area (Parliamentary Heritage Area). Instead, I suggest the best solution is as per my recommendations (referenced in paragraph above) where reference is made to parliamentary activities in the CCZ introduction, CCZ-P1 and through a new permitted activity rule.

795. Whilst I appreciate the intent of Catherine Underwood’s submission point [481.32] and the concern regarding the identified lack of green space in the CCZ, as detailed in the green network plan, I do not consider that a setback of at least 1.5m to give room for a green corridor is

appropriate for the following reasons:

- Whilst it is not explicit in the submission that this suggestion for a setback applies to the front of the site, I have assumed so, I note that setting buildings back from the site frontage goes against an established focus on ensuring buildings in the CCZ build to the front of the site for consistency in streetscape effect, safety, amenity etc. reasons;
- Requiring a setback to provide for a green corridor will affect the development capacity of sites in the CCZ, thus going against the directive of the NPS-UD policy 3(a) to maximise development capacity, and impacting the developability of sites;
- Whilst greening of the city has good design, health and wellbeing and ecological benefits, it will make other important functions such as the operation and maintenance of existing infrastructure and addition of new infrastructure difficult etc;
- I do not consider that alignment with the recommendations of the Green Network Plan nor LGWM's plans for the CCZ has been considered in this recommendation; and
- I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change as part of this report.

796. With regards to Civic Trust's submission point [388.23] that seeks the addition of a new rule regarding demolition or removal of buildings and structures in Te Ngākau Civic Square Precinct, I do not consider this change to be necessary or appropriate. In my view a Discretionary activity resource consent is too onerous for demolition that enables the creation of new public space. I also note the identified deficiency in public space as noted in the Green Network Plan. I also consider requiring public notification is overly onerous. I consider that the CCZ-R18 Demolition or removal of buildings and structures, is sufficient to apply to Te Ngākau Civic Square Precinct as notified in the PDP, such is the relationship between zone and precinct provisions.

797. With regards to Civic Trust's submission point [388.24] that seeks an additional rule in Te Ngākau Civic Square Precinct that relates to the modification of existing open space or the development of new open space, I disagree with the suggestion to require a Discretionary Activity for changes to existing public space or creation of new public space. I consider that this is overly onerous and does not align with the Te Ngākau Framework direction, and I consider that such a rule would have an adverse effect on the timing of delivering redevelopment projects in the precinct and also could impact the ability to create new public space within the Precinct. In my view, new public space would help to revitalise the precinct.

Summary of recommendations

798. HS4-P1-CCZ-Rec154: That submission points relating to New CCZ provisions are accepted/rejected as detailed in Appendix B.

799. HS4-P1-CCZ-Rec155: That no new provisions as a result of submissions in this section be included in the CCZ.

7.0 Minor and inconsequential amendments

800. 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.

801. HS4-P1-CCZ-Rec156: The following minor and inconsequential amendments relevant to this report are identified below and will be corrected:

Amendments to City Centre Zone Chapter

- a. Correction to the CCZ Introduction to remove reference to ‘viability’ to acknowledge that a mixture of activities are enabled within the CCZ:

CCZ	City Centre Zone Introduction
<p>...</p> <p>To ensure the continued vibrancy and viability of the City Centre Zone a wide range of activities are permitted and encouraged throughout most parts of the Zone. This is supported by measures to manage activities and development that have the potential to adversely affect public and private amenity or to create reverse sensitivity effects, including along the boundary with adjoining residentially zoned areas or identified public space.</p> <p>...</p>	

- b. Correction to CCZ-O2 (Accommodating Growth) to change ‘choice’ to ‘variety’ to align with other Centres Zones for plan consistency purposes:

CCZ-O2	Accommodating growth
<p>The City Centre Zone plays a significant role in accommodating residential, business and supporting community service growth, and has sufficient serviced development capacity to meet its short, medium and long term residential and business growth needs, including:</p> <ol style="list-style-type: none"> 1. A choice <u>variety</u> of building type, size, affordability and distribution, including forms of medium and high-density housing; 2. Convenient access to active and public transport activity options; 3. Efficient, well integrated and strategic use of available development sites; and 4. Convenient access to a range of open space, including green space, and supporting commercial activity and community facility options. 	

- c. Correction to CCZ-O7 (Managing adverse effects) and CCZ-P9 (Quality design outcomes) to remove reference to 2(d) ‘Identified pedestrian streets’ as this is not a matter that the CCZ provides for or manages:

CCZ-O7	Managing adverse effects
<p>Adverse effects of activities and development in the City Centre Zone are managed effectively both:</p> <ol style="list-style-type: none"> 1. Within the City Centre Zone; and 2. At interfaces with: <ol style="list-style-type: none"> a. Heritage buildings, heritage structures and heritage areas; b. Scheduled sites and areas of significance to Māori; c. Identified public spaces; d. Identified pedestrian streets; e. Residential Zoned areas; f. Open Space and Recreation Zoned areas; and g. The Waterfront Zone. 	

<p>CCZ-P9</p>	<p>Quality design outcomes</p> <p>Require new development, and alterations and additions to existing development, at a site scale to positively contribute to the sense of place and distinctive form, quality and amenity of the City Centre Zone by:</p> <ol style="list-style-type: none"> 1. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development: <ol style="list-style-type: none"> a. Acts as a catalyst for future change by reflecting the nature and scale of the development proposed within the zone and in the vicinity and responds to the evolving, more intensive identity of the neighbourhood; b. Optimises the development capacity of the land, particularly sites that are: <ol style="list-style-type: none"> i. Large; or ii. Narrow; or iii. Vacant; or iv. Ground level parking areas; c. Provides for the increased levels of residential accommodation anticipated; and d. Provides for a range of supporting business, open space and community facilities; and 2. Ensuring that development, where relevant: <ol style="list-style-type: none"> a. Responds to the site context, particularly where it is located adjacent to: <ol style="list-style-type: none"> i. A scheduled site of significance to Māori; ii. A heritage building, heritage structure or heritage area; iii. An identified character precinct; iv. A listed public space; v. Identified pedestrian streets; vi. Residential zones; vii. Open space zones; and viii. The Waterfront Zone; b. Responds to the pedestrian scale of narrower streets; c. Responds to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings; d. Provides a safe and comfortable pedestrian environment; e. Enhances the quality of the streetscape and the private/public interface; f. Integrates with existing and planned active and public transport activity movement networks, including planned rapid transit stops; and g. Allows sufficient flexibility for ground floor space to be converted to a range of activities, including residential along streets that are not subject to active frontage and/or verandah coverage requirements and sites free of any identified natural hazard risk.
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- d. Correction to CCZ-P1 to remove reference to the words ‘ongoing viability’ to acknowledge that a mixture of activities are enabled within the CCZ, this has been reinforced through paragraph 33 of Dr Lees’s evidence:

<p>CCZ-P1</p>	<p>Enabled Activities</p> <p>Enable a range and diversity of activities that support the purpose and ongoing viability of the City Centre Zone and enhances its vibrancy and amenity, including:</p> <p>...</p>
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- e. Addition to CCZ-P10 on-site residential amenity to include a reference to ‘minimum residential unit size’ as a policy hook for standard CCZ-S10 Minimum residential – unit size as follows:

CCZ-P10	<p>On-site residential amenity</p> <p>Achieve a high standard of amenity for residential activities that reflects and responds to the evolving, higher density scale of development anticipated in the City Centre Zone, including:</p> <ol style="list-style-type: none"> 1. Providing residents with access to an adequate outlook; and 2. Ensuring access to convenient outdoor space, including private or shared communal areas; <u>3. Providing residents with adequate internal living space -</u>
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- f. Addition to CCZ-R18 Demolition or removal of buildings and structures as follows:

CCZ-R18	<p>Demolition or removal of buildings or structures</p> <ol style="list-style-type: none"> 1. Activity status: Permitted <p>Where:</p> <ol style="list-style-type: none"> a. The demolition or removal of a building: <ol style="list-style-type: none"> i. Is required to avoid an imminent threat to life and/or property; or ii. Enables the creation of public space or private outdoor living space associated with the use of a building; or iii. Is required for the purposes of constructing a new building or adding to or altering an existing building that <u>is a permitted activity under CCZ-R19 or CCZ-R20, or that</u> has an approved resource consent or resource consent is being sought concurrently under CCZ-R19.2, CCZ-R20.2 or CCZ-R20.3; or b. The demolition or removal involves a structure, excluding any <u>building</u>.
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Currently, demolition is permitted if required for any structure or public space, or a building that has an approved resource consent, but demolition is a non-complying activity if needed for a new building or addition/alteration that is permitted under CCZ-R19 or CCZ-R20. This is a perverse outcome in my view, as demolition for a permitted building still achieves the policy goal of avoiding unused or privately-used large open spaces. In my opinion, the alteration below is of minor effect because the building demolition could still be completed as a permitted activity if it first “enables the creation of public space”.

- g. Correction to CCZ-S10 (Residential – outdoor living space) to align with the changes to the residential zones as follows:

CCZ-S10	<p>Residential – outdoor living space</p> <ol style="list-style-type: none"> 1. Each residential unit, including any dual key unit, must be provided with either a private outdoor living space or access to a communal outdoor living space; 2. Where private outdoor living space is provided it must be: <ol style="list-style-type: none"> a. For the exclusive use of residents; b. Directly accessible from a habitable room; c. A single contiguous space; and 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. The extent to which: <ol style="list-style-type: none"> a. Any proposed outdoor living space provides a good standard of amenity relative to the number of
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<p>d. Of the minimum area and dimension specified in the table below;</p> <p>3. Where communal outdoor living space is provided it does not need to be a single continuous space but it must be:</p> <ol style="list-style-type: none"> a. Accessible from the residential units it serves; b. Of the minimum area and dimension specified in the table below; and c. Free of buildings, parking spaces, and servicing and manoeuvring areas. 	<p>occupants the space is designed for;</p> <ol style="list-style-type: none"> b. Other on-site factors compensate for a reduction in the size or dimension of the outdoor living space; and c. The availability of public open space in proximity to the site. 																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;">Living space type</th> <th style="width: 20%;">Minimum area</th> <th style="width: 25%;">Minimum dimension</th> </tr> </thead> <tbody> <tr> <td colspan="3">a. Private</td> </tr> <tr> <td>i. Studio unit and 1-bedroom unit</td> <td style="text-align: center;">5m²</td> <td style="text-align: center;">1.8m</td> </tr> <tr> <td>ii. 2+ bedroom unit</td> <td style="text-align: center;">8m²</td> <td style="text-align: center;">1.8m</td> </tr> <tr> <td colspan="3">b. Communal</td> </tr> <tr> <td>i. For every 5 4-15 units</td> <td style="text-align: center;">10644m² per unit</td> <td style="text-align: center;">8m</td> </tr> <tr> <td>• <u>For each additional unit above 15 units</u></td> <td style="text-align: center;"><u>2m²</u></td> <td style="text-align: center;">-</td> </tr> <tr> <td colspan="3" style="color: red; font-size: small;"> <u>Communal outdoor living space is calculated based on the number of units not provided with the minimum area of private outdoor living space</u> </td> </tr> </tbody> </table>		Living space type	Minimum area	Minimum dimension	a. Private			i. Studio unit and 1-bedroom unit	5m ²	1.8m	ii. 2+ bedroom unit	8m ²	1.8m	b. Communal			i. For every 5 4-15 units	1064 4m ² per unit	8m	• <u>For each additional unit above 15 units</u>	<u>2m²</u>	-	<u>Communal outdoor living space is calculated based on the number of units not provided with the minimum area of private outdoor living space</u>		
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Amendments to Te Ngākau Civic Square Precinct

- h. Correction to CCZ-PREC01-01, CCZ-PREC01-02 and CCZ-PREC01-03, because in the PDP they are missing the '01' after 'PREC' and so are currently reading CCZ-PREC-01, CCZ-PREC-02 and CCZ-PREC-03, as follows:

CCZ-PREC<u>01</u>-01	Purpose ...
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CCZ-PREC<u>01</u>-02	Built Form
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	...
CCZ-PREC01-O3	Integration with the City Centre, Waterfront and wider transport network ...

Amendments Appendix 9

- i. Correction to Appendix 9’s APP9 – City Centre Zone and Special Purpose Waterfront Zone – Minimum Sunlight Access and Wind Comfort Control – Public Space Requirements table, the heading of the third column is “Time period to be calculated using New Zealand Standard Time at either of the equinoxes (i.e. 21 March or 23 September).”

Currently, 21 March 2023 is affected by New Zealand’s daylight saving time and the sun is at its highest point at about 1:29 pm. 23 September 2023 is not affected by daylight saving time and the sun is at its highest point at about 12:15 pm. This is a difference of one hour and 14 minutes.

The location of sunlight access under the current Appendix 9 standard will change by:

- whether “daylight savings” applies, and if the government changes the dates or time-shift of “daylight savings”
- whether the spring or autumn equinox is used
- changes over decades due to the Earth’s orientation and orbit. At Wellington’s latitude, this is only up to a few minutes’ of change.

So that the spatial application of the Minimum Sunlight Access standard remains constant over time, amend Appendix 9 as follows:

Public space location	Zone	Time period to be calculated using New Zealand Standard Time at either of the equinoxes (i.e. 21 March or 23 September 2023)

8.0 Conclusion

802. Submissions have been received in support of, and in opposition to the City Centre Zone Chapter, Te Ngākau Civic Square Precinct and Appendix 9 – City Centre Zone and Special Purpose Waterfront Zone of the PDP are addressed in this S42a report.
803. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the plan should be amended as set out in Appendix A of this report.
804. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- Achieve the purpose of the Resource Management Act 1991 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 plan, in respect to the proposed provisions.

9.0 Recommendations

805. I recommend that:

- a. The District Plan 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.

10.0 Collated recommendations

Appendices

Appendix A: Recommended Amendments to the City Centre Zone Chapter and Appendix 9

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.

Appendix B: Recommended Responses to Submissions and Further Submissions on City Centre Zone Chapter and Appendix 9

The recommended responses to the submissions made on this topic are presented in Table 1 below.

Table 1: Recommended responses to submissions and further submissions

Appendix C: Jasmax WCC District Plan Tests All Sites

Appendix D: Central Area Monitoring Report 2019

**Appendix E: Building Mass Control Provisions, Urban Design Draft
Report 2020**

Appendix F: Central Area Issues and Options Report 2020

Appendix G: Wellington City Council CCZ Modelling