

Wellington City Proposed District Plan

Hearing Stream 4

Part 3, Commercial and Mixed Use Zones

Part 3: Local Centre Zone

Section 42A of the Resource Management Act

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Local Centre Zone Appendix 1 - Maps

- i. Proposed Height Control Area Changes for Baroda St, Khandallah
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- v. Proposed Zone and Height Control Changes for Elena Place, Tawa

Part 3: Local Centre Zone

1.0 Overview

1. This section of the s42A report for the Part 3 – CMUZ addresses the Local Centre Zone (LCZ) provisions¹. As identified in relation to each specific provision, the LCZ provisions are subject to both the ISPP and Part 1 Schedule 1 processes.
2. CKEP-O1 identifies that LCZ sit third in the hierarchy of centres, under the CCZ and MCZ, and describes these as follows:

“[t]hese centres service the surrounding residential catchment and neighbouring suburbs. Local Centres contain a range of commercial, community, recreational and entertainment activities. Local Centres are well-connected to the City’s public transport network and active transport modes are also provided for. Local Centres will play a role in accommodating and servicing the needs of the existing and forecast population growth that is complementary to the City Centre and Metropolitan Centre Zones. This intensification is due to the capacity of the area to absorb more housing with enablers of growth such as walkable access to public transport, and community facilities and services”.
3. Including primary and further submission points, and mapping submission points, there were approximately 419 submission points in relation to the LCZ.
4. These submissions are categorised and assessed as follows:
 - General points relating to the LCZ
 - Requests for zone changes
 - Submissions relating to specific provisions in the LCZ chapter
 - Proposed additional LCZ provisions
5. This report should be read in conjunction with the information in the following appendices:
 - Appendix A – Recommended Amendments to the CMUZ chapters (LCZ).
 - Appendix B – Recommended Responses to Submissions and Further Submissions on the CMUZ chapters (LCZ).

2.0 Format for Consideration of Submissions

6. For each identified topic, the consideration of submissions has been undertaken in the following format:
 - Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations.
7. 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.

¹ [Proposed District Plan - Wellington City Proposed District Plan](#)
Proposed Wellington City District Plan

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 the recommended amendments in my assessment.
9. I note that there were no submissions in relation to LCZ-R2 or LCZ-R15. These provisions are beyond challenge and are not further addressed in this report.
10. Submissions received in relation to the following provisions were all in support, and seek that the respective provisions are retained as notified:
 - Policies: LCZ-P2
 - Rules: LCZ-R1 to LCZ-R9, LCZ-R16, LCZ-R20
11. I recommend that these provisions are retained as notified, and have not assessed them further in this report.

3.0 General Points Relating to the Local Centre Zone

Definitions

Matters raised by submitters

12. Waka Kotahi [370.401] requests that references in the LCZ chapter to the ‘roading network’ and ‘transport network’ are amended to ensure that this captures all transport modes.

Assessment

13. The Waka Kotahi request to change the definition is addressed in Part 1 of this s42A Report (Overview and General Matters) and no further assessment is required.

Summary of recommendations

14. HS4-P3-LCZ-Rec1: That the relief sought by Waka Kotahi is adopted into the District Plan as outlined in Appendix A.
15. HS4-P3-LCZ-Rec2: That the submission point relating to ‘Definitions’ is accepted as detailed in Appendix B.

General Submission Points in Support of the Local Centre Zone

Matters raised by submitters

16. WCC Environmental Reference Group [377.448] supports the LCZ in general but has requested a number of amendments to the provisions, which will be addressed elsewhere in this report.
17. Z Energy [361.20] supports the LCZ and requests that this is retained as notified. Z Energy [361.4] also supports the LCZ zoning of the Z service station at 35/41 Constable Street, Newtown.

18. Foodstuffs [476.22] generally supports the objectives and policies of the LCZ, and specifically supports the recognition of medium and high-density development and the enablement of a wide range of activities in the zone.
19. Foodstuffs [476.72-476.79, 476.84 – 476.91] support that their New World supermarkets at Newtown, Miramar, Island Bay, Karori, Khandallah, Newlands, Churton Park and Tawa are located within the LCZ and seek that this zoning is retained. I note that the Onslow Residents Association [FS80.7] opposes the zoning of Khandallah New World as LCZ, on the basis that their original submission [283] seeks the rezoning of Khandallah to NCZ. Kāinga Ora [FS89.60, FS89.61] oppose the LCZ zoning of New World Newtown and New World Miramar on the basis that they seek these are zoned as TCZ.
20. Ryman [346.3] supports the LCZ on their site at 192 Adelaide Road, Newtown, provided the provisions of the LCZ are amended to better enable retirement villages, as outlined in the submission from the Retirement Village Association. The submitter essentially seeks a fit for purpose retirement village framework that recognises the unique needs of retirement villages, compared to other residential typologies.
21. Hugh Good [90.6] supports the LCZ zoning of Khandallah and seeks that this is retained.

Assessment

22. I acknowledge the submission points above. Noting that the Ryman submission point has been addressed in the Overview and General Matters section of this report, no further assessment is required.

Summary of recommendations

23. HS4-P3-LCZ-Rec3: That there are no changes to the District in response to the ‘General Submission Points in Support of the Local Centre Zone’.
24. HS4-P3-LCZ-Rec4: That submission points relating to ‘General Matters Raised by Submitters’ are accepted/rejected as detailed in Appendix B.

Town Centre Zone

Matters raised by submitters

25. Kāinga Ora [391.15, 391.26 - 391.28, 391.588 – 391.560] support the general intent of the proposed LCZ; however, they have requested that a new Town Centre Zone be incorporated into the PDP centres hierarchy and that Miramar, Newtown and Tawa are rezoned from LCZ to TCZ. Kāinga Ora [391.14, 191.15] also seeks that the spatial extents of the above centres are expanded to support additional District Plan enabled residential intensification around them and to support well-functioning urban environments. Maps showing the requested changes are provided at Appendix 4 of the submission.
26. The Onslow Residents Association [FS80.11, FS80.12] and GWRC [FS84.24, FS84.25, FS84.39, FS80.40 and FS84.41] oppose the inclusion of a TCZ. GWRC [FS84.19] opposes the expansion of the centre boundaries.

Assessment

27. The submission points relating to the TCZ are addressed at section 6.0 (Zone Framework) and 8.5 (Town Centre Zone) in the Overview and General Matters section of this report. I note that I recommend in this report that the existing CMUZ hierarchy is retained in the District Plan, without the addition of a new TCZ. As such, I recommend that the Kāinga Ora submission points [391.15, 391.26 - 391.28, 391.588 – 391.560] are rejected and the further submission points [FS80.11, FS80.12, FS84.24, FS84.25, FS84.39, FS80.40 and FS84.41] are accepted.
28. Rezoning requests are addressed throughout this section 42A report within Part 2 (Metropolitan Centre Zone), Part 3 (Local Centre Zone), Part 4 (Neighbourhood Centre Zone) and Part 5 (Mixed Use Zone). While I have recommended rezoning in some cases, I do not consider that a blanket extension to the spatial extent of the LCZ is required as sufficient development potential is enabled within the existing centre boundaries. As such I recommend that Kāinga Ora submission points 391.14 and 191.15 are rejected, with the GWRC further submission point [FS84.19] accepted.

Summary of recommendations

29. HS4-P3-LCZ-Rec5: That there are no changes to the District Plan in response to the submission themes outlined under 'Town Centre Zone'.
30. HS4-P3-LCZ-Rec6: That submission points relating to 'Town Centre Zone' are accepted/rejected as detailed in Appendix B.

Alignment with other zones

Matters raised by submitters

31. Willis Bond [416.94] seeks that the Council consider the relationship between the MRZ and other denser zones, including the MCZ, LCZ, NCZ, MUZ and COMZ, to ensure that development in these zones is not unduly restricted in these zones when the adjoining residential provisions are more permissive.

Assessment

32. As noted at paragraph 125 of the Overview and General Matters section of this report, the PDP is drafted to ensure that the CMUZ enable greater development potential than the surrounding residential zones. I have reviewed the LCZ and am confident that this is the case with respect to all LCZ. No changes to the PDP are necessary as a result of the Willis Bond submission point [416.94].

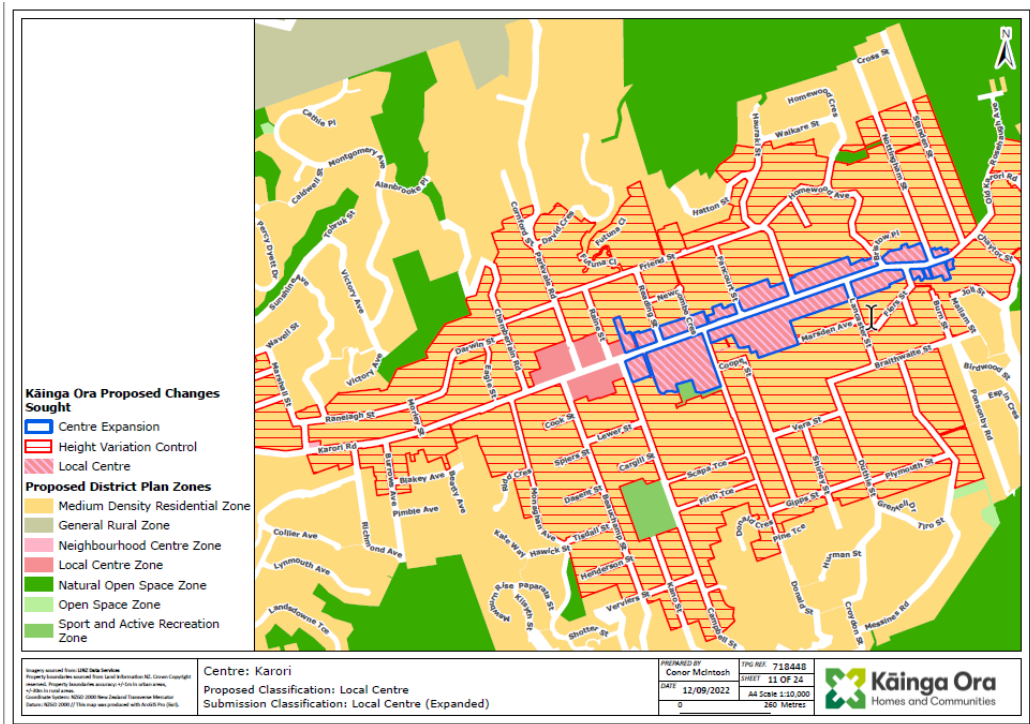
Summary of recommendations

33. HS4-P3-LCZ-Rec7: That there are no changes to the District Plan in response to the submission outlined under 'Alignment with other zones'.
34. HS4-P3-LCZ-Rec8: That the submission point requesting 'Alignment with other zones' is deferred to the Wrap Up Hearing to follow Hearings Streams 1 to 5, as detailed in Appendix B.

4.0 Requests for Changes to Local Centre Zoning

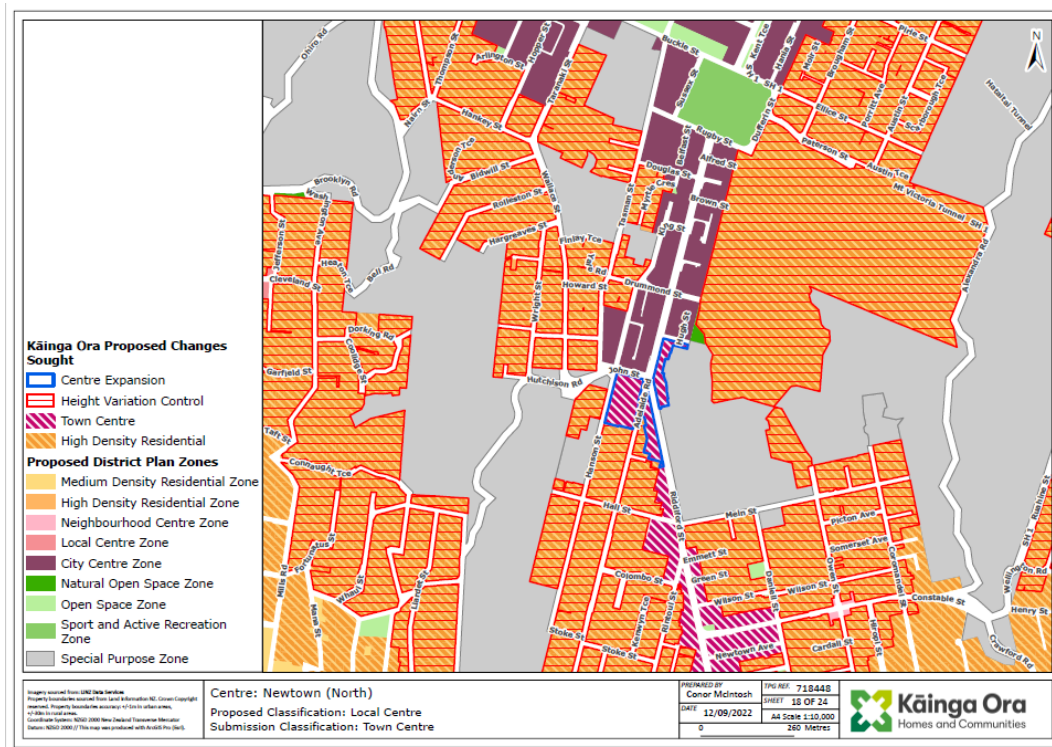
Matters raised by submitters

35. David Stephen, Ian Law, Julie Patricia Ward, Brian McKenna, Pam Wilson, Janice Young, David Stevens, Emma Baines, WCCT, Onslow Residents' Community Association and Wilma Shermin [82.7, 101.6, 103.7, 113.3, 120.7, 140.7, 151.15, 185.6, 233.20, 283.13, 306.9] have requested that the Khandallah Local Centre Zone is rezoned as Neighbourhood Centre Zone. Associated submission points from these submitters, along with the Friends of Khandallah, relate to the zoning [82.1, 101.1, 103.1, 113.1, 120.1, 140.3, 151.3, 185.1, 233.5, 283.3, 306.1] and heights [252.2, 283.2] depicted in the PDP mapping.
36. Julie Patricia Ward, David Stevens, Emma Baines, WCCT and the Onslow Residents' Community Association [103.8, 151.17, 185.7, 233.21, 283.14] have requested that the LCZ comprising the corner of Station Road and Box Hill be rezoned as NCZ. Associated submission points relate to the zoning [103.2, 185.2, 233.6, 283.4] depicted in the PDP mapping. In addition to these submission points, David Stevens [151.5] considers that this centre has been zoned LCZ in error and seeks that it is rezoned to MRZ, with an 11 metre (MDRS) height limit.
37. Brian Sheppard [169.1, 169.2] requests that the Churton Park LCZ is rezoned as NCZ.
38. David Stevens [151.16, 151.4] seeks that the Crofton Downs LCZ is rezoned as NCZ.
39. Gabriela Roque-Worcel [234.1-234.4] seeks that the Brooklyn LCZ is rezoned to MUZ, and that the Kingston, Vogeltown and Mornington LCZ are expanded to enable intensification and additional activities within these parts of Wellington.
40. Simon Ross [37.6] has submitted that all 'mixed use zones' (LCZ) along Karori Road should be extended along the full length of Karori Road between Marsden Village and the western end of Karori Village, and/or between Morley Street and Tringham Street.
41. As shown below, Kāinga Ora [391.15] also seeks an expansion of the Karori LCZ. This change would also involve rezoning the Marsden Village NCZ as LCZ.



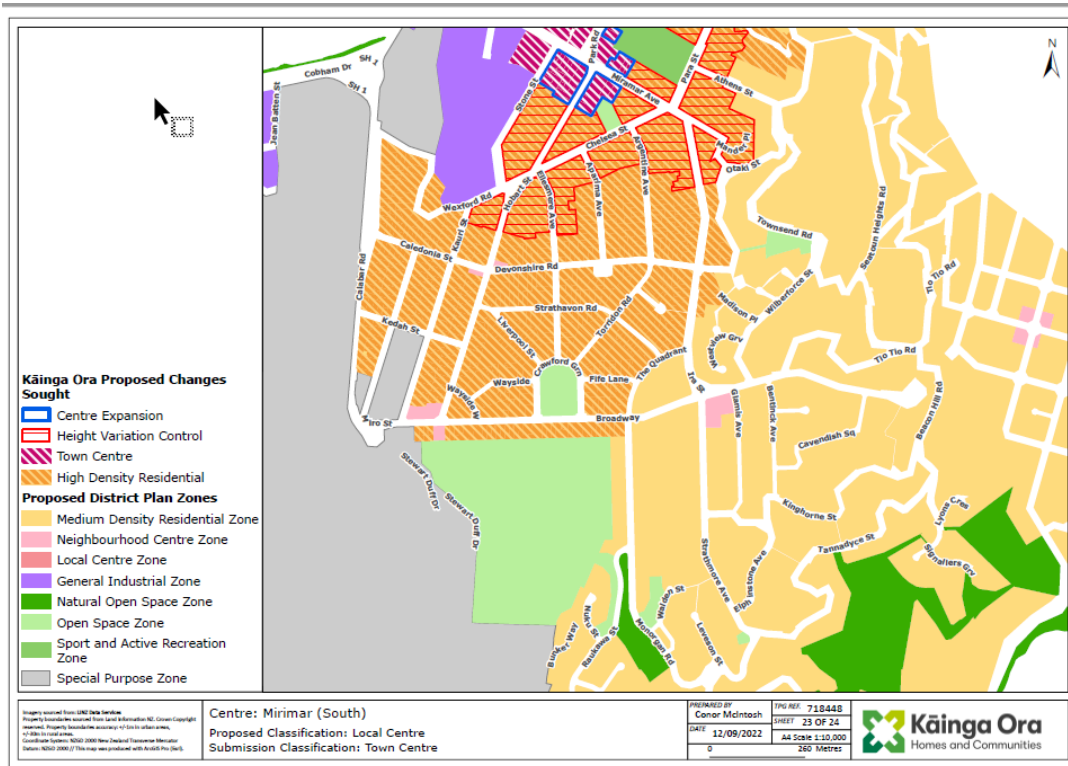
Kāinga Ora Map 11: Requested Expansion of Karori LCZ

42. James Coyle [307.1] considers that the zone boundary in Newtown is inadequate and should be re-designed by independent professionals to take into account topography, daylight and existing amenities.
43. As well as seeking rezoning of the Newtown LCZ to TCZ, Kāinga Ora [391.15] seeks an expansion of the Newtown LCZ towards the north. This is shown below:

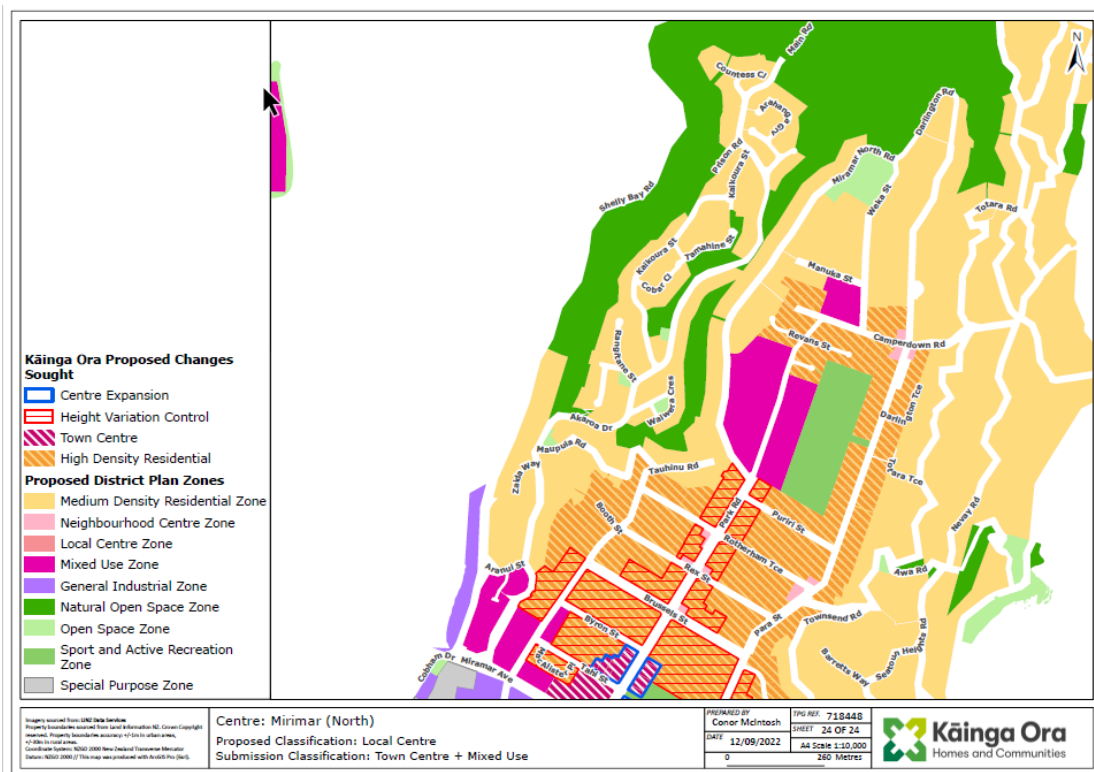


Kāinga Ora Map 18: Requested Expansion of Newtown LCZ

44. In addition to seeking that the Miramar LCZ is rezoned as TCZ, Kāinga Ora [391.15] seeks extensions to Miramar North and Miramar South as shown below:

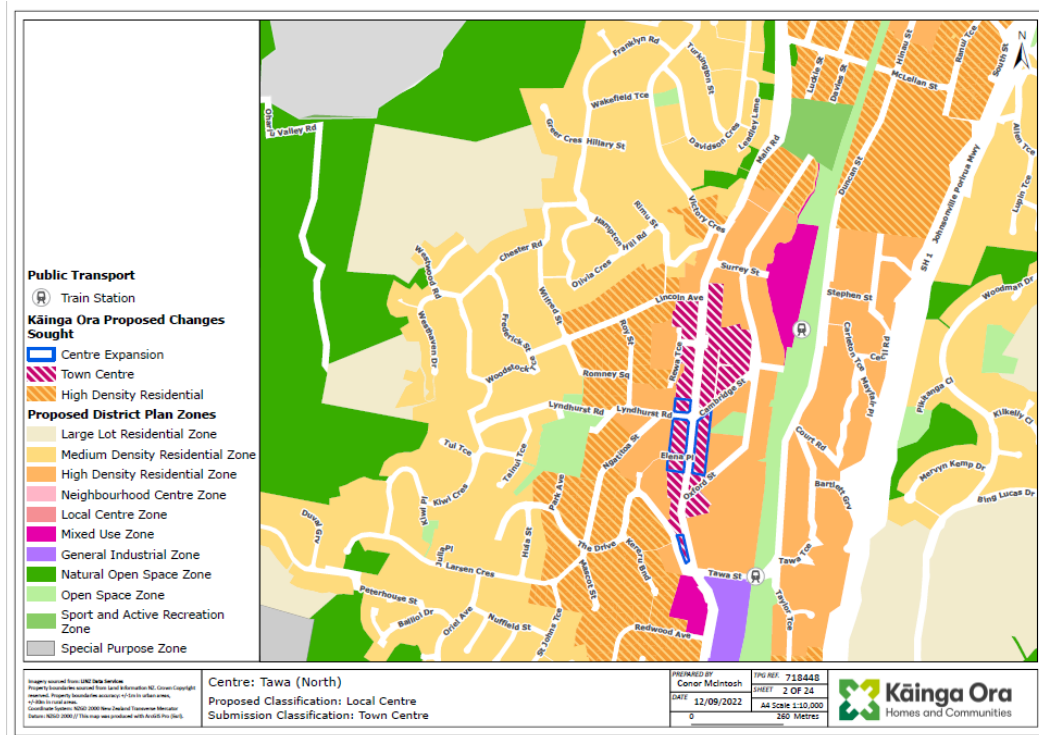


Kāinga Ora Map 23: Requested Rezone and Expansion of Miramar Local Centre Zone



Kāinga Ora Map 24: Requested Rezone and Expansion of Miramar Local Centre Zone

45. Kāinga Ora [391.15] also seeks an expansion of the Tawa LCZ, involving an extension of ‘Tawa North’ (zoned LCZ) towards ‘Tawa South’ (zoned NCZ), the rezoning of Tawa South from NCZ to LCZ, and the rezoning of the HRZ parcel of land to the south of Tawa South as LCZ along both sides of Main Road. This request is shown below:



Kāinga Ora Map 2: Requested Rezone and Expansion of Tawa LCZ

Assessment

46. In assessing the zoning of the Centres below I have taken into account the following:
- The ODP zoning and ‘Centre Type’ as identified at ODP policy 6.2.1.1;
 - The Sense Partners Report²;
 - The relevant assessments within the BECA Report; and
 - The assessment and findings of the s32 report, and other evidence and information as considered relevant including that provided in support of submission points.
47. I live local to, and am familiar with, a number of these centres. In addition, I undertook sites visit to a number of the centres across various dates including 4, 5, 13, 14 and 28 April 2023.
48. Amended planning maps showing the changes recommended are provided at Appendix 1 of this section 42A report (Part 3 – Local Centre Zone).

Khandallah Centre

49. Policy 3 of the NPS-UD indicates that the PDP is to maintain a hierarchy of centres, and that the zoning of each particular centre is commensurate to that centre and the catchment it serves. Within this hierarchy, the LCZ sits above the NCZ. The features of the LCZ and NCZ are

² [retail-and-market-assessment-november-2020.pdf \(wellington.govt.nz\)](https://www.wellington.govt.nz/retail-and-market-assessment-november-2020.pdf), pp109-116.

described in the Section 32 Evaluation report titled 'Part 1 – Context to Evaluation and Strategic Objectives' as follows:

Local Centres: *These centres service the surrounding residential catchment and neighbouring suburbs. Local Centres contain a range of commercial, community, recreational and entertainment activities. Local Centres are well-connected to the City's public transport network and active transport modes are also provided for. Local Centres will play a role in accommodating and servicing the needs of the existing and forecast population growth that is complementary to the City Centre and Metropolitan Centre Zones. This intensification is due to the capacity of the area to absorb more housing with enablers of growth such as walkable access to public transport, and community facilities and services.*

Neighbourhood Centres: *These centres service the immediate residential neighbourhood and offer small-scale convenience-based retail for day-to-day needs. These centres are generally for small commercial clusters and community services. Neighbourhood Centres are accessible by public transport and active transport modes.*

50. Under the ODP the Khandallah Centre is a 'District Centre' within the centres hierarchy. The table titled 'Centre Type: Future Roles and Functions' at ODP policy 6.2.1.1³ describes the characteristics of District Centres as follows:

"[District Centres] contain a moderate retail offer and generally service the day-to-day convenience needs of their surrounding suburb. Accessed by good public transport, some District Centres contain a supermarket and other convenience-based retail and also have access to some community, recreational and entertainment activities. Where offices are present, they are small scale in character. Residential uses tend to be located above ground floor. Mostly on-street parking is available, with only limited off-street parking".

51. At section 3.8, the Sense Partners Report identified that the Khandallah Centre has the characteristics of a 'town centre' and should be zoned as such. This is based on a number of factors, including the retail spend within each zone, the catchment area of retail for the zone, the range of retail activities available, future population and associated opportunities for expansion of the centre, and opportunities for residential intensification around the centre.
52. As discussed previously in this section 42A report, the Council has elected not to include a TCZ in its' PDP centres hierarchy. As such, centres that the Sense Partners Report recommends be zoned TCZ (which include Karori, Miramar, Tawa, Kelburn, Linden and Newlands) have been zoned LCZ. There is no suggestion within this report that Khandallah should be zoned NCZ.
53. The BECA Report⁴ also identified that the characteristics of the Khandallah Centre clearly align with those of the LCZ. Notably, the Khandallah Centre:
- Has a range of public transport options that experience high use, as well as good walkability, and cycleway connections to the city;
 - Has a well-functioning main street with diverse offerings such as retail, commercial and civic services, a library and a supermarket, allowing residents to work and play within their neighbourhood;

³ [v1chap06.pdf \(wellington.govt.nz\)](#)

⁴ [western-suburbs-assessment.pdf \(wellington.govt.nz\)](#), pp55-64.

- Has good opportunities for creating future mixed-use development and residential intensification both within and around the existing centre.

54. The submitters requesting that the Khandallah Centre be rezoned as NCZ contend that the characteristics of Khandallah Village align better with those of the NCZ than the LCZ, as Khandallah Village is a small village hub with limited local services and poor vehicular access. A related concern is that the LCZ will enable development of up to 14m in the surrounding Medium Density Residential Zone (MRZ).

55. Photographs of the Khandallah Centre are provided below:



Looking north along Ganges Road



Looking south along Ganges Road



Looking north along Ganges Road



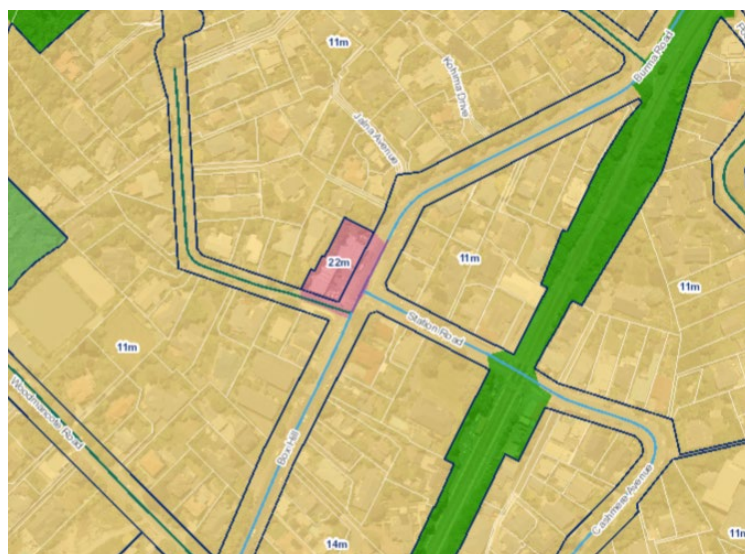
New World Supermarket

56. My site visit identified that the Khandallah Centre provides a wide range of services, as described within the Sense Partners and BECA Reports. It is evident that these services are accessible to a wide catchment. That said, I agree with the submitters that the centre has a 'village feel'. Vehicles access the centre from the north and can only drive one-way through the centre, most buildings are one or two stories in height (with the exception of the recently constructed mixed use building at 15 Ganges Road), and while there is a supermarket this is not visually dominant within the streetscape context.

57. Taking into account the information detailed above and my observations on visiting the Khandallah Centre, I disagree with the submitters that the characteristics of the centre better align with the NCZ. In my opinion, the LCZ zoning of Khandallah should be retained.
58. That said, I acknowledge that the characteristics of the Khandallah LCZ differ from the larger LCZs, such as Newtown, Tawa and Kilbirnie. As discussed at paragraph 111 of the Overview and General Matters section of this report, I consider that there is merit in reconsidering the Height Control Areas assigned to either these larger LCZs or the smaller centres including Khandallah. Further discussion in relation to the Khandallah LCZ height limit is provided at paragraphs 366 to 369 of this report.
59. For these reasons my recommendation is that the submission points requesting that the Khandallah centre is rezoned NCZ [82.7, 101.6, 103.7, 113.3, 120.7, 140.7, 151.15, 185.6, 233.20, 283.13, 306.9, 82.1, 101.1, 103.1, 113.1, 120.1, 140.3, 151.3, 185.1, 233.5, 283.3, 306.1, 252.2 and 283.2] are rejected.

Burma Road/Box Hill and Baroda Street Centre

60. The proposed LCZ at the corner of Burma Road/Box Hill and Baroda Street (also referred to in submissions as the corner of Station Road) comprises the sites at 2 and 7 Burma Road. The ODP identifies this as a Neighbourhood Centre and it is subject to secondary frontage provisions⁵.
61. Box Hill/Burma Road are Principal Roads within the roading hierarchy and provide an alternative access route to the northern suburbs (than the motorway). The centre is within close proximity to the rail corridor (shown in green above) and approximately 5 minutes walk from the Khandallah train station.
62. The ePlan image below shows the location of the centre, with its proposed zoning:



PDP Zoning - Baroda Street/Box Hill Local Centre Zone

⁵ ODP Map 48: [WCC District Plan Volume III - Map 48 \(wellington.govt.nz\)](https://www.wellington.govt.nz)

63. The small collection of established commercial activities located within this centre is shown in the photograph below:



Baroda Street/Box Hill Local Centre Zone

64. I recommend that submission points 103.8, 151.17, 185.7, 233.21, 283.14 are accepted.
65. Consistent with my recommendation to reduce the height in the Khandallah Centre and commensurate with the size of the centre and its MRZ context, I recommend that the Burma Road/Box Hill and Baroda Street Centre is assigned to NCZ-S1 Height Control Area 1, with a 12 metre height limit.
66. I acknowledge the submission point from David Stevens but, noting the existing use of the sites and assessment above, do not agree that this centre should be rezoned as MRZ. I recommend that submission point 151.5 is rejected.

Churton Park Centre

67. Brian Sheppard has requested that the Churton Park Centre is rezoned as NCZ as it has only a 'meagre' bus service, and not the "easy access to rapid transit public transport" that should be expected of a LCZ.
68. Within the ODP centres hierarchy the Churton Park centre is a 'District Centre'. Along Westchester Drive and part of Lakewood Avenue the primary frontages provisions apply⁶.
69. The Sense Partners Report⁷ recommends that Churton Park is zoned LCZ. The assessment within this report determines that the Churton Park Centre has less opportunities than the centres they recommend be zoned TCZ.

⁶ ODP Map 46: [v3map46.pdf \(wellington.govt.nz\)](#)

⁷ [retail-and-market-assessment-november-2020.pdf \(wellington.govt.nz\)](#), pp109-116.

70. The BECA Report⁸ describes the Churton Park Centre as providing a combination of retail and day to day convenience needs, anchored by a large supermarket as well as a local community centre; however, it notes that this is primarily a 'drive to destination', being difficult to access due to the topography, poorly connected street structure and limited public transport (in comparison to other centres). As such, this report identifies that: *"Churton Park does not have the diversity of density drivers that are likely to encourage future density, such as public transport options including rail, access to an arterial priority transit or a cycle network, a high school, community facilities like a library or a significant employment centre"*.
71. My site visit confirmed that the Churton Park Centre maintains the characteristics above. It is a relatively new centre, purpose built on a large parcel of land to meet the needs of the growing Churton Park suburb. The centre contains a supermarket and ancillary retail, as well as a community centre, medical centre and vet, and a range of other commercial/office activities that meets the needs of the Churton Park suburb. Photographs are provided below.



New World Churton Park



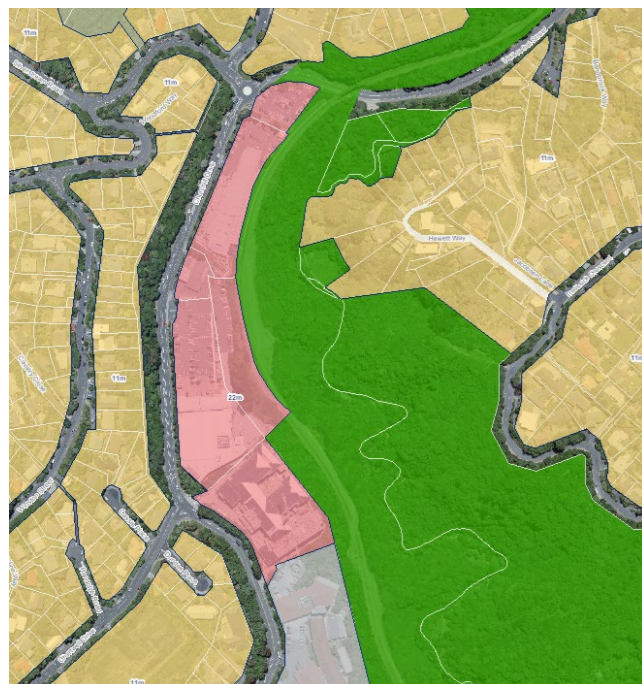
Car-park, Community, Retail and Commercial Activities adjacent to New world

⁸ [northern-suburbs-assessment.pdf \(wellington.govt.nz\)](https://www.wellington.govt.nz/northern-suburbs-assessment.pdf), pp37-42.
Proposed Wellington City District Plan

72. As shown in the photographs, the existing buildings within the centre are two storeys in height. I note that the BECA Report advises that increased density is unlikely in Churton Park, and that this is a suburb that continues to experience low to medium intensity development. It is however one of the only Wellington suburbs that has vacant land available for development and this can be expected to be developed for new housing in the short to medium term. As such, it is reasonable to expect that the demand for the centre and range of services that this provides will continue to increase.
73. With respect to the submission points on public transport accessibility, I note that the centre is well-served by the number 1 bus route, which provides regular services between Churton Park and Island Bay, as well as the number 19.
74. I recognise that the characteristics of the Churton Park LCZ differ from those of the larger Newtown, Tawa and Miramar. I have considered whether the height limit for this centre should be reduced (consistent with my recommendation in relation to the Khandallah Centre above). Given the island-nature of the Churton Park Centre site and separation to surrounding residentially zoned land (MRZ), I do not consider that a height reduction is necessary in this case.
75. For the reasons detailed above, I recommend that the Churton Park Centre should retain its Local Centre zoning. I therefore recommend that the submission points [169.1, 169.2] are rejected.

Crofton Downs Centres

76. David Stevens [151.16, 151.4] seeks that the Crofton Downs Centre is rezoned from LCZ to NCZ. This centre is located on Churchill Drive, and is shown below:



PDP Zoning: Crofton Downs - Local Centre Zone

77. The Crofton Downs Centre contains existing large format retail (a Countdown supermarket and Mitre 10). There are a number of smaller retail shops in the building containing the supermarket. To the east, within the Natural Open Space Zone is the Johnsonville railway line. There is a train station at the northern end of the centre. The remainder of the site is primarily used for car-parking that serves this retail. To the immediate south is Bowen Hospital (Special Purpose Hospital Zone). Otherwise, the surrounding area is MRZ.
78. The centre a 'District Centre' within the ODP centres hierarchy and is subject to secondary frontage controls⁹. The Sense Partners Report¹⁰ recommends that Crofton Downs is zoned LCZ.
79. The BECA Report¹¹ notes:
- While the Crofton Downs Centre is classified as a district centre, it is actually a large format retail business zone.
 - The centre is located along a busy arterial road, but the topography, poorly connected street network and arterial road limit the walkability and access to the centre.
 - The suburb is well serviced by public transport, including rail and bus.
 - There is a limited range of retail and no community infrastructure to support increased density.
80. With respect to the submission points, I note that the centre is on a well-serviced bus route and accessible via the Johnsonville train line. The submitter's concerns relate to increased density, particularly around the centre. With respect to this matter, I note that the MRZ zoning permits a building height of 11 metres, in line with the MDRS. Zoning the centre LCZ will not implicitly increase the height limit available to the residentially zoned land around the centre. I acknowledge that there will be increased development potential within the LCZ.
81. Noting the NPS-UD requires the Council to provide suitable capacity for business and residential development, the existing activities within the centre and the existing transport infrastructure, I consider that it is appropriate for this centre to be zoned LCZ. Therefore, I recommend that Crofton Downs retains its Local Centre zoning and that the submission points [151.16, 151.4] are rejected.

Brooklyn, Kingston, Vogeltown and Mornington Centres

82. Gabriela Roque-Worcel [234.1] seeks that the Brooklyn Centre is rezoned from LCZ to MUZ. In my view this would not achieve the relief sought by Ms Roque-Worcel, as the height limit would likely be lower if the centre was zoned MUZ and development potential would be reduced.
83. With respect to the remaining submission points, I note:
- a. 234.2: The Kingston Centre is a small centre at Quebec Street containing a dairy, fish and chip shop, mechanic and multi-unit housing development. Behind the centre is a small playground. The centre is at the end of the Kingston (number 7) bus route. This is zoned

⁹ [v3map46.pdf \(wellington.govt.nz\)](#)

¹⁰ [retail-and-market-assessment-november-2020.pdf \(wellington.govt.nz\)](#), pp109-116.

¹¹ [western-suburbs-assessment.pdf \(wellington.govt.nz\)](#), pp75-80.

NCZ rather than LCZ, with the zoning reflecting the ODP zoning and small scale of this centre. Under the NCZ the development potential of this centre will increase, commensurate with the location of this centre within the centres hierarchy. While additional development potential could be achieved by rezoning the centre as LCZ, I consider this is unnecessary given the centres location and existing pattern of land use.



Kingston Neighbourhood Centre Zone

- b. 234.3, 234.4: There are no LCZ or NCZ at Vogeltown or Mornington; however, there are non-residential activities within the MRZ as shown in the photographs below.



Dairy – Mornington Road opposite The Ridgway School



34 Mills Road – Building in residential use

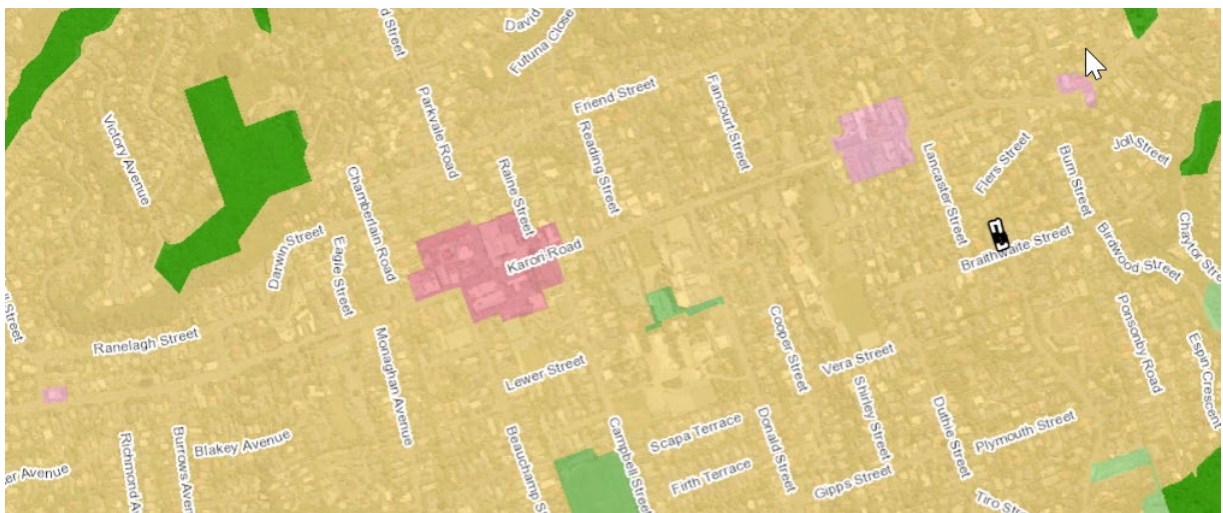


Vogelmorn: Tennis Club, Community Hall, Bowling Club and cafe (within the Bowling Club building)

84. The MRZ zoning reflects the ODP Outer Residential Area zoning of these sites. I note that should owners of MRZ sites wish to establish mixed use activities within the MRZ they can apply to do so under the MRZ provisions. With respect to Vogelstown, I note that the activities are more recreational than mixed use in nature and an open space zoning may be more appropriate in any case.
85. While I acknowledge the submitter’s request for additional mixed-use activities, particularly within Kingston, Vogelstown and Mornington, I am satisfied that the notified PDP zonings provide for this. For these reasons I recommend that the PDP zonings are retained as notified and that submission points 234.1-234.4 are be rejected.

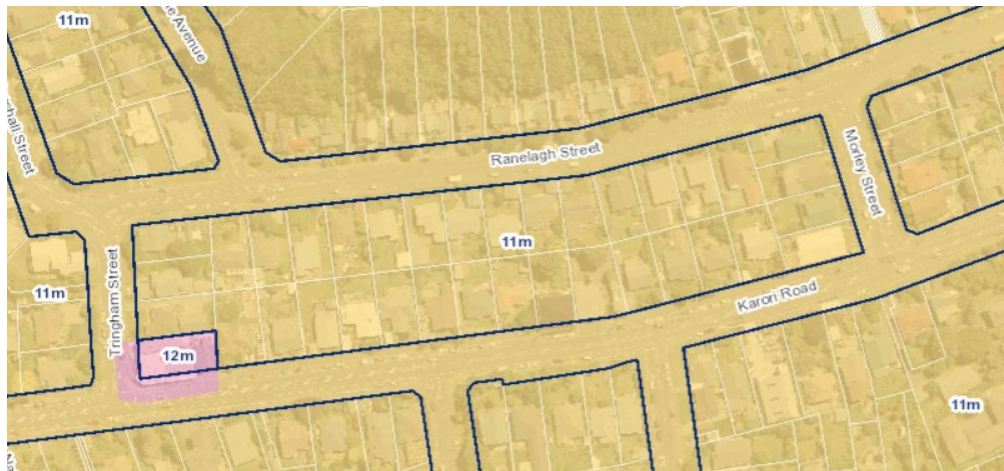
Karori Road – Karori Village Centre and Marsden Village Centre

86. Simon Ross [37.6] considers that the ‘mixed use’ zoning along Karori Road should be extended along the full length of Karori Road between Marsden Village Centre and the western end of Karori Village Centre, and/or between Morley Street and Tringham Street. Kāinga Ora also seeks an expansion of this LCZ.
87. The PDP ePlan image below shows Karori Road and the proposed CMUZ along this. Marsden Village, the centre second from the right, is a Neighbourhood Centre under the ODP and it is proposed that this becomes a NCZ. The larger Karori Village Centre shopping area is a Town Centre under the ODP and the darker pink signifies that this is to be zoned LCZ. Karori Road is a Principal Road, well serviced by buses.



Karori Road – Existing Local and Neighbourhood Centres

88. The image below shows the land between the Karori LCZ and Tringham Street, which runs to the left of the smaller pocket of NCZ land at the lefthand corner of the image above.



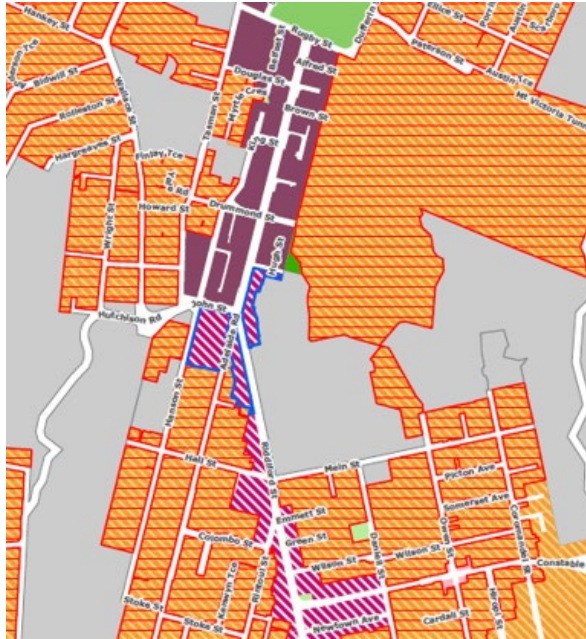
Karori Road – Existing Neighbourhood Centres at Tringham Street

89. I note that the Sense Partners Report suggests that the Karori Centre LCZ be zoned as TCZ as this has the characteristics of a larger centre¹². It serves the wider Karori catchment area, including South Karori and Makara.
90. Turning to whether the land between the two centres, or the land further west along Karori Road as shown in the second image above, should be zoned LCZ/mixed use, I note that neither the Sense Partners Report nor the BECA Report consider this option. Notably, Sense Partners has not recommended any extension to, or amalgamation of, the existing centres. These sections of Karori Road both contain established residential development, with the MDRS providing for increased development potential for the MRZ zoned land.
91. Further to this, I note that LCZ-S1 that the Karori LCZ is within 'Height Control Area 2'. This is because the area is recognised as having insufficient infrastructure (in particular three waters infrastructure) to accommodate significant additional growth. The 18 metre height limit reflects that while some intensification within the centres is acceptable, the level of development facilitated in other LCZ (through the 22 metre height limit) would not be appropriate. For the same reason, expansion of the LCZ along Karori Road, is not encouraged.
92. For the reasons outlined above, I consider that the land identified by Mr Ross and Kāinga Ora should retain its MRZ/NCZ zoning as shown in the PDP and not be rezoned as 'mixed use' (either LCZ or NCZ). I recommend that submission points [37.6, 391.15 (Maps 11 & 12)] are rejected.

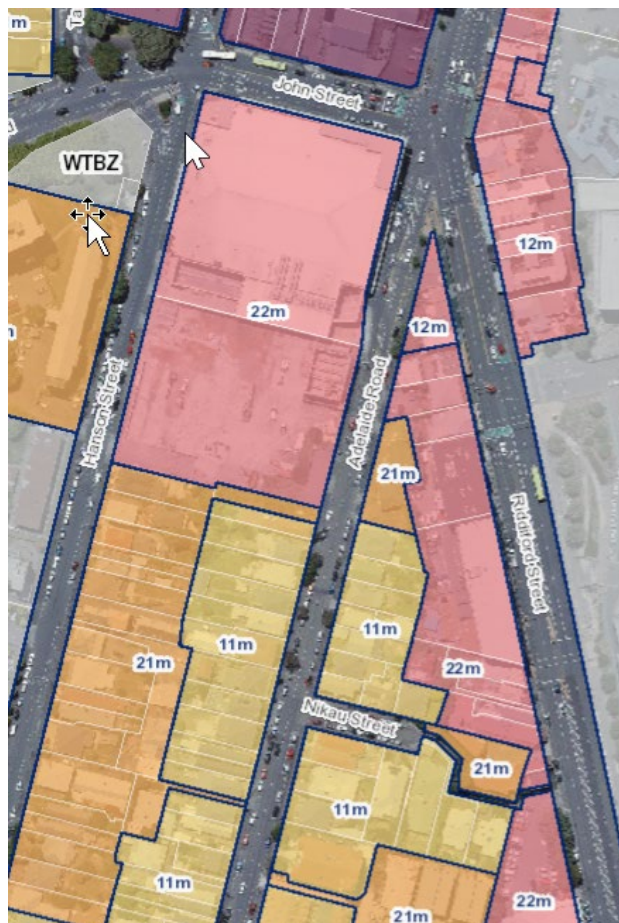
¹² [retail-and-market-assessment-november-2020.pdf \(wellington.govt.nz\)](https://www.wellington.govt.nz/assets/Uploads/retail-and-market-assessment-november-2020.pdf), pp109-116.

Newtown Centre

93. James Coyle [37.1] and Kāinga Ora [391.15 (Maps 15, 17, 18)] have made submissions in relation to the boundaries of the LCZ in Newtown.
94. I disagree with Mr Coyle that insufficient consideration of the zone boundary was undertaken by the Council. The LCZ boundary takes into account the ODP zoning along with the established patterns of land use, and NPS-UD requirements to enable development in and around centres based on walkable catchments and the heritage context (including scheduled buildings, SASMs and the Newtown Shopping Centre Heritage Area). I note that the residential land surrounding the Newtown LCZ is afforded more protection than most residential suburbs as a large portion of this land is within the MRZ-PREC01. As such, I consider that the zone boundary is appropriate and should be retained as notified, and that this submission point [307.1] should be rejected.
95. As discussed at section 8.5 of the Overview and General Matters section of this report, I recommend that this centre retains its Local Centre zoning and is not rezoned TCZ. That said, I acknowledge that the characteristics of the Newtown LCZ differ from those of smaller centres including Karori, Khandallah, Ngaio and Churton Park. As noted, I recommend further consideration of the height limits and allocation of centres to Height Control Areas 2 and 3. As an alternative to lowering the heights in the smaller centres, the height limit applied to larger centres could be increased. In particular, I consider that these two centres lend themselves to additional height. Noting my assertion at paragraph 108 of the Overview and General Matters section of this report that there is no difference in terms of the activities enabled within Kāinga Ora's proposed TCZ and the LCZ as notified, I consider that this change would address their concerns with respect to enabling intensification in these centres. Further assessment of this option is provided at paragraphs 362 to 366 of this report (in relation to LCZ-S1).
96. The section of Kāinga Ora Map 18 below shows a request to extend the LCZ towards the north. The PDP image to the right shows that this land is already zoned LCZ. It is not clear why this change has been requested; however, in my view no further assessment is required.



Kainga Ora Map 18 – Extension to Newtown LCZ

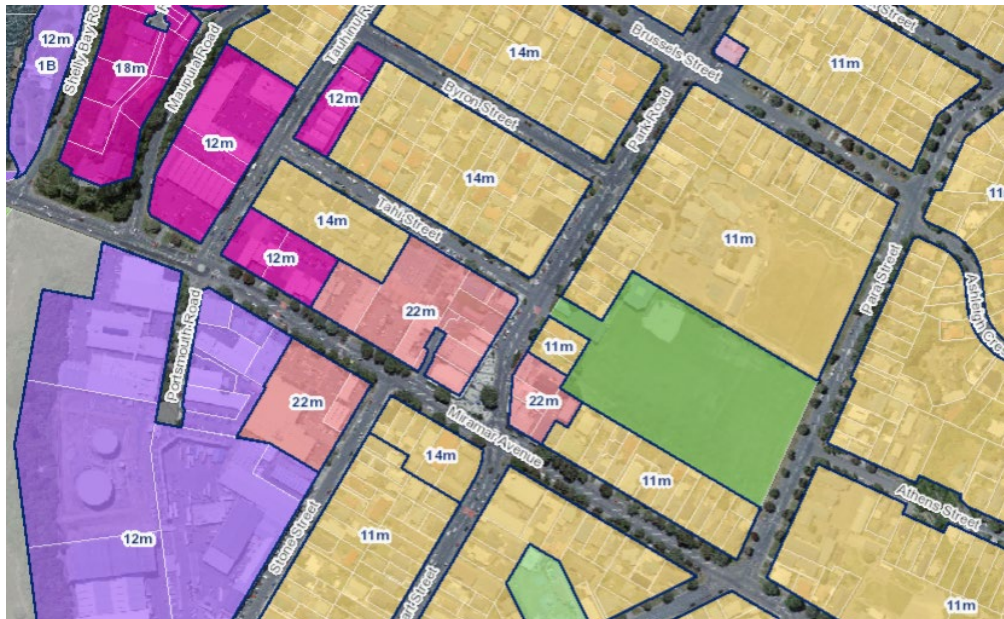


PDP Zoning - Newtown

97. For the reasons set out above, I recommend that submission points 37.1 and 391.15 (Maps 15, 17, 18) are rejected.

Miramar Centre

98. Kāinga Ora has requested that the Miramar Centre is rezoned as TCZ and extended (refer to Maps 23 & 24).
99. The Miramar Centre is zoned as a Town Centre in the ODP, with secondary frontage controls applying¹³. The additional parcels of land that Kāinga Ora seeks be rezoned are both zoned Outer Residential Area under the ODP. The proposed PDP zoning is shown below, with the additional parcels zoned MRZ and subject to height limits of 11 and 14 metres.



PDP Zoning - Miramar

100. The centre contains a large supermarket, a garden centre, and a range of retail, commercial and public activities. Unlike many CMUZ, many established retail activities have opportunities for off-street parking. Consistent with their recommendations for other larger centres, the Sense Partners Report recommends that the Miramar Centre is zoned TCZ¹⁴.
101. That said, there is significant unrealised development potential in the existing centre, with most existing buildings being one to two storeys in height. I note that future development potential in Miramar will be subject to the Natural Hazards Overlay and WIAL1 Designation. I consider that given the scale of the Miramar LCZ in comparison to other centres (in particular Newtown and Tawa), and its distance from the central city, it is appropriate that Height Control Area 3 continues to apply and/or there is a differentiation between the height limit in Newtown and Miramar.
102. Turning to the extensions to the LCZ as requested by Kāinga Ora (Maps 23 & 24), I note that these sites are currently used for established residential activities. I note that in addition to the LCZ, Miramar contains a significant amount of MUZ land. I do not see a need for additional

¹³ ODP Map 49A: [v3map49a.pdf \(wellington.govt.nz\)](https://www.wellington.govt.nz/v3map49a.pdf)

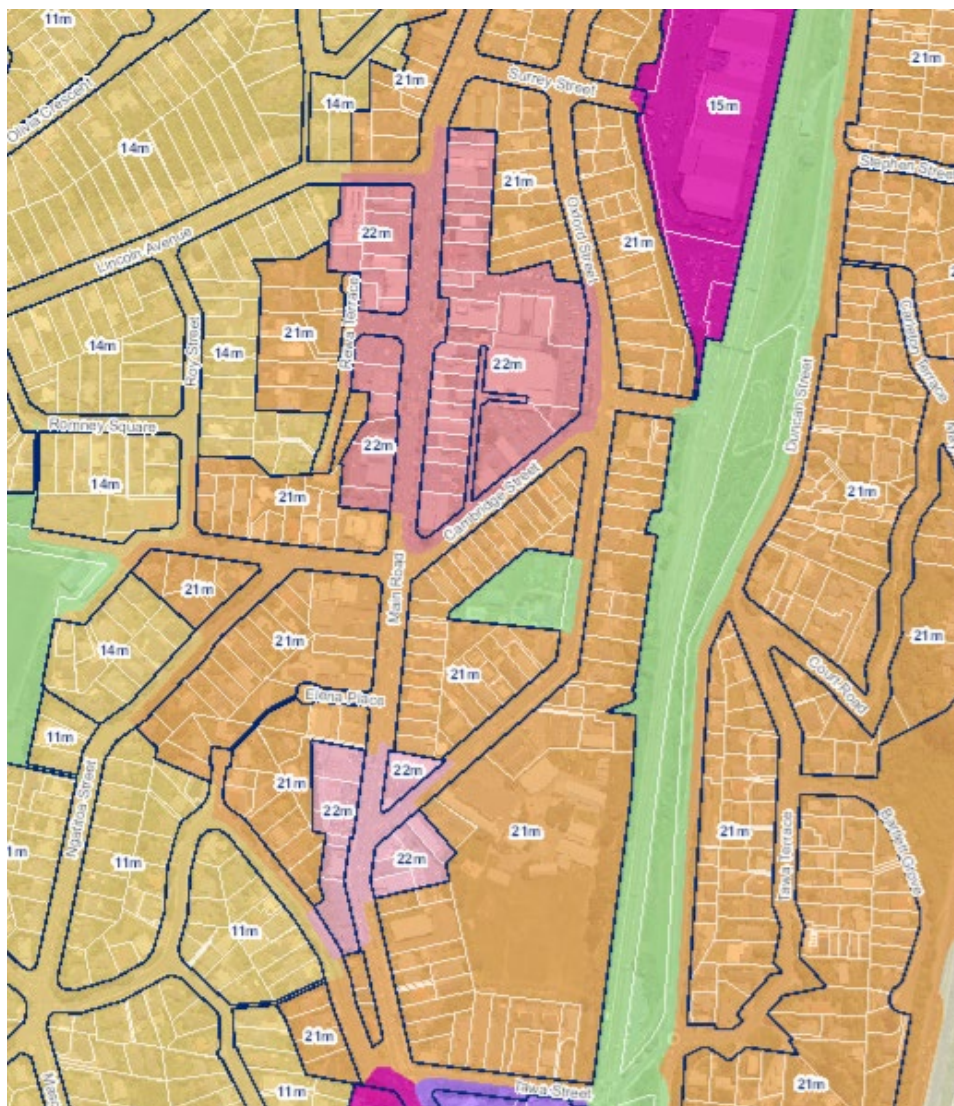
¹⁴ [retail-and-market-assessment-november-2020.pdf \(wellington.govt.nz\)](https://www.wellington.govt.nz/retail-and-market-assessment-november-2020.pdf), pp113.

CMUZ land in this location, noting that there is suitable land for commercial intensification available. The MRZ enables 11 to 14 metre height limits on these sites, enabling increased development potential while retaining their underlying residential use. Furthermore, residential intensification of these sites will provide for additional housing capacity within close proximity to the centre.

103. For the reasons set out above, I recommend that the Miramar Centre retains its Local Centre zoning and submission point 391.15 (Maps 23 & 24) are rejected.

Tawa Centre

104. Kāinga Ora [391.15 (Map 2)] seek a number of amendments to the zoning of the Tawa Centre. The PDP zoning of these areas is shown below:



PDP Zoning – Tawa

105. The Tawa Centre LCZ is located centrally within Tawa and serves a wide catchment that includes Linden. This is a Town Centre in the ODP with both primary and secondary frontages

applying¹⁵. It contains a supermarket, and a range of retail, commercial and public activities. Consistent with their recommendations for other larger centres, the Sense Partners Report recommends that Miramar is zoned TCZ¹⁶.

106. As showing in the PDP zoning image above, it is proposed to zone the land to the south of the main Tawa Centre as HRZ, with a smaller NCZ to the south of this, then an additional parcel of HRZ land. Kāinga Ora seeks that the NCZ and all of the HRZ land is rezoned as LCZ. I note that under the ODP the HRZ land is zoned Outer Residential Area whereas the NCZ is a 'Neighbourhood Centre'.

107. My assessment of the changes requested by Kāinga Ora is as follows:

i. Rezoning of the Tawa LCZ as TCZ

As previously detailed at section 8.5 of the Overview and General Matters section of this report, I disagree with the adoption of a TCZ within the CMUZ framework.

ii. An extension of 'Tawa North' (zoned LCZ) towards 'Tawa South' (zoned NCZ)

This request involves rezoning HRZ land as LCZ. At present, there are a small number of single level dwellings along the western side of this section of the road, as well as non-residential activities including Tawa Union Church on the northern corner of Main Road and Elena Place, St Christopher's Church on the southern corner of Main Road and Lyndhurst Road and the Catholic Church of Our Lady of Fatima on the northern corner of the same intersection. The eastern side of the road predominantly contains low density residential development.

I accept that there is logic in rezoning the land along the western side of Main Road between the two centres as CMUZ, either LCZ or NCZ. This would enable the existing non-residential activities in these sites to expand with a less restrictive rule framework applying, and enable further intensification (commercial and residential) around the existing centre. I recommend one of the following options:

1. Extending the LCZ boundary to Elena Place, thereby incorporating one HRZ site; and extending the NCZ north to Elena Place.
2. Rezoning the LCZ, HRZ and NCZ land as LCZ, with different 'Height Control Areas' applying to the north and south of Elena Place.

I note that the maximum building height in both the LCZ and NCZ (as notified) is 22 metres. The same activities are permitted in both zones. However, as discussed at paragraph 283 of this LCZ report and paragraph 206 of Part 4 (Neighbourhood Centre Zone), I am recommending that the permitted GFA of an integrated retail activity is 20,000m² in the LCZ and 10,000m² in the NCZ on the basis that this assists to maintain the centres hierarchy. Noting this, my recommendation is option 1 above – being that the land to the south of Elena Place remains as NCZ as this will assist in providing a transition to the adjoining HRZ land. Option 1 would also enable different building heights to be applied to the LCZ and NCZ, with a potential increase to the height attributable to the LCZ if the IHP is of a mind to do so.

¹⁵ ODP Map 49D: [v3map49d.pdf \(wellington.govt.nz\)](#)

¹⁶ [retail-and-market-assessment-november-2020.pdf \(wellington.govt.nz\)](#), p113.

I recommend retaining the residential zoning of the sites along the eastern side of Main Road. I consider that the rezoning along the western side of the road allows for suitable expansion of the centre and opportunity for mixed use development without further extending this across the opposite side of the road, also noting the existing pattern of land use. A map showing this change is provided at Appendix 1 of this report (Part 3 – Local Centre Zone).

I note that the Kāinga Ora map (Map 2) also seeks an associated extension of the surrounding HRZ. This matter has been addressed by Mr Patterson in the section 42A in relation to Hearing Stream 2. I have discussed this change with Mr Patterson and understand that his position has not changed. This will be in his Right of Reply (also to be available from 26 May 2023)¹⁷.

iii. Rezoning of Tawa South from NCZ to LCZ

I acknowledge this request, but also note that other submitters request that this land (comprising 105, 107, 109, 111, 113 and 115 Main Road) is rezoned from NCZ to HRZ. For the reasons outlined at paragraphs 40 to 45 of Part 4 (Neighbourhood Centre Zone) of this section 42A report, I recommend this land is rezoned as HRZ and not LCZ/TCZ. In addition to the reasons set out in Part 4 of this report, I consider that the expansion of the centre as discussed above will assist to off-set the lost potential for commercial development at these sites.

iv. Rezoning of the land to the south of Tawa South as LCZ.

This matter has also been addressed by Mr Patterson in the section 42A in relation to Hearing Stream 2 and will be further addressed Right of Reply. Mr Patterson is recommending this change be rejected. I agree with this recommendation, also noting that this informs my rationale with respect to rezoning the sites above as HRZ.

108. For the reasons set out above, I recommend that the changes requested by Kāinga Ora [391.15 (Maps 2)] are rejected.

Summary of recommendations

109. HS4-P3-LCZ-Rec9: Subject to changes recommended at HS4-P3-LCZ-Rec86 with respect to the Height Control Area applying to the centre, that the LCZ applying to the Khandallah Village Centre be confirmed as notified.
110. HS4-P3-LCZ-Rec10: That the centre at the corner of Box Hill/Burma Road and Baroda Street be rezoned to NCZ, Height Control Area 1.
111. HS4-P3-LCZ-Rec11: That the LCZ applying to the Churton Park Centre be confirmed as notified.
112. HS4-P3-LCZ-Rec12: That the LCZ applying to the Crofton Downs Centre be confirmed as notified.
113. HS4-P3-LCZ-Rec13: That the LCZ, NCZ and MRZ applying to Brooklyn, Kingston, Mornington and Vogeltown be confirmed as notified.

¹⁷ [Plans, policies and bylaws - Hearing stream 2 - Wellington City Council](#)

114. HS4-P3-LCZ-Rec14: That the MRZ zoning applying to the land between identified centres along Karori Road be confirmed as notified.
115. HS4-P3-LCZ-Rec15: Subject to changes recommended at HS4-P3-LCZ-Rec86 with respect to the Height Control Areas applying to the centre, that the zoning and extent of the boundary of the Newtown LCZ be confirmed as notified.
116. HS4-P3-LCZ-Rec16: That the zoning and extent of the boundary of the Miramar LCZ be confirmed as notified.
117. HS4-P3-LCZ-Rec17: That the boundary of the Tawa LCZ be amended on the western side of Main Road to extend southwards to Elena Place.
118. HS4-P3-LCZ-Rec18: That submission points relating to 'Requests for Changes to Local Centre Zoning' are accepted/rejected as detailed in Appendix B.
119. HS4-P3-LCZ-Rec19: That the ePlan mapping is updated to reflect the changes above, as detailed at Appendix 1 of this section 42A report (Part 3 – Local Centre Zone).

6.0 Submissions Relating to Specific Local Centre Zone Provisions

Introduction (Pt 1 Sch 1)

Matters raised by submitters

120. Kāinga Ora [391.560] has requested the following amendments to the text of the Introduction to the LCZ chapter.

Introduction

The purpose of the Local Centre Zone is to provide for a range commercial, community, recreational and residential activities. These centres service the needs of the surrounding residential catchment ~~and neighbouring suburbs~~. Local centres support the role and function of other Centre Zones in the hierarchy of centres.

The Local Centre Zone is distributed across the city and will play a crucial role in accommodating and servicing the needs of the existing and forecast population growth. The Medium Density and High Density Residential Zone surrounds ~~most~~ local centres. These zones enable intensification due to the capacity of the area to absorb more housing with enablers of growth such as walkability, access to public transport, community facilities and services.

High quality building design is a focus for the Local Centres Zone. The transition to more intensive use in some local centres will result in changes to existing amenity values in the centres and their surrounds. Consequently, redevelopment will be supported by a range of measures to promote good design and environmental outcomes, and address amenity issues that are not anticipated in the Zone. Accordingly, most building activities will require a resource consent and an assessment against ~~the Centres and Mixed Use Design Guide~~ key design criteria. To enable intensification around existing neighbourhood centres, some of these will have substantial building heights.

There is an identified need for residential intensification within and around local centres. These centres are subject to the intensification policies 3 (c) and (d) of the National Policy Statement on Urban Development 2020 (NPS-UD). Accordingly, residential activity is permitted above ground floor or where not visible at ground level within these centres. To support a mix of activities within the zone, activities that have off-site effects, such as industrial activities and different retail formats, will need to be managed. There is however a desire for larger scale retail to locate in centres, where these are of an appropriate form and scale, rather than at out-of-centre locations, to support the vitality and viability of centres.

Assessment

121. I acknowledge that Kāinga Ora [391.560] considers that their recommended amendments to the text of the Introduction will better reflect the density and design outcomes anticipated by the NPS-UD. My assessment in relation to the requested changes is provided below.
122. Change 1: *These centres service the needs of the surrounding residential catchment ~~and neighbouring suburbs~~*
I acknowledge that the reference to ‘and neighbouring suburbs’ could be deleted. This is implicit to the term ‘residential catchment’ and is therefore arguably redundant; however, the retention of this reference sets a clear message that local centres serve a wider catchment than their immediate suburb. As such, I consider the wording should remain as notified.
123. Change 2: *The Medium Density and High Density Residential Zone surrounds ~~most~~ local centres.*
I agree with this change. Both the MRZ and HRZ can be found in close proximity to the LCZ.
124. Change 3: *... and address amenity issues that are not anticipated in the Zone.*
Caselaw has established that the word ‘anticipated’ can be taken to mean ‘permitted’¹⁸. As such, I recommend against adding this phrase into the PDP planning framework as sets an expectation of a ‘permitted baseline’. The implication of this, from a consenting perspective, is that the effects of a permitted baseline must be disregarded when the consent planner

¹⁸ Sydney Street Substation Limited v Wellington City Council, CIV 2017-485-11 [2017] NZHC 2489

exercises their discretion to apply this. Therefore, the addition of the words ‘that are not anticipated in the zone’ sets an expectation that effects of a building or activity will not be taken into account before they have in fact been through an appropriate resource consent process.

125. Change 4: ~~Accordingly, most building activities will require a resource consent and an assessment against the Centres and Mixed Use Design Guide.~~

As noted above, it is the Council’s intention to retain the Design Guide approach. Hence I disagree with this change.

126. For these reasons, I recommend that the changes requested by Kāinga Ora [391.560] are accepted in part, with my recommended amendments to the Introduction to the LCZ set out in the Summary of Recommendations below.

Summary of recommendations

127. HS4-P3-LCZ-Rec20: Retain the Introduction to the LCZ chapter with amendments as set out in Appendix A and in the box below.

Introduction

The purpose of the Local Centre Zone is to provide for a range commercial, community, recreational and residential activities. These centres service the needs of the surrounding residential catchment and neighbouring suburbs. Local centres support the role and function of other Centre Zones in the hierarchy of centres.

The Local Centre Zone is distributed across the city and will play a crucial role in accommodating and servicing the needs of the existing and forecast population growth. The **Medium Density and High Density Residential** Zone surrounds most local centres. These zones enable intensification due to the capacity of the area to absorb more housing with enablers of growth such as walkability, access to public transport, community facilities and services.

High quality building design is a focus for the Local Centres Zone. The transition to more intensive use in some local centres will result in changes to existing amenity values in the centres and their surrounds. Consequently, redevelopment will be supported by a range of measures to promote good design and environmental outcomes, and address amenity issues. Accordingly, most building activities will require a resource consent and an assessment against the Centres and Mixed Use Design Guide. To enable intensification around existing neighbourhood centres, some of these will have substantial building heights.

There is an identified need for residential intensification within and around local centres. These centres are subject to the intensification policies 3 (c) and (d) of the National Policy Statement on Urban Development 2020 (NPS-UD). Accordingly, residential activity is permitted above ground floor or where not visible at ground level within these centres. To support a mix of activities within the zone, activities that have off-site effects, such as industrial activities and different retail formats, will need to be managed. There is however a desire for larger scale retail to locate in centres, where these are of an appropriate form and scale, rather than at out-of-centre locations, to support the vitality ~~and viability~~ of centres.

128. HS4-P2-LCZ-Rec21: That submission points relating to the Introduction to the LCZ chapter are accepted as detailed in Appendix B.

LCZ-O1 – Purpose (ISPP)

Matters raised by submitters

129. Restaurant Brands Limited, Z Energy and FENZ [349.82, 361.21, 273.263] support LCZ-O1 and seek that this is retained as notified.
130. Woolworths [359.60] seeks the following amendment to LCZ-O1 to capture that the zone also serves passers-by:

LCZ-O1 (Purpose)

The Local Centre Zone meets the needs of communities, businesses, and residents in the surrounding residential catchment and neighbouring suburbs, and passers-by, in a manner that supports the City's compact urban growth objectives and its role and function in the City's hierarchy of centres.

131. WCC Environmental Reference Group [377.449] seeks that LCZ-O1 is amended to capture that providing for the needs of the community should be down in a way that supports sustainable transport modes. They request that the objective is amended as follows:

LCZ-O1 (Purpose)

The Local Centre Zone meets the needs of communities, businesses, and residents in the surrounding residential catchment and neighbouring suburbs in a manner that supports the City's compact urban growth objectives, sustainable transport, and its role and function in the City's hierarchy of centres.

132. Waka Kotahi [FS103.28] seeks that this change is allowed as it aligns with their strategic direction around mode choice and safe systems planning.
133. Kāinga Ora [359.562, 359.563] supports the objective in part. In addition to seeking a new TCZ the Overview and General Matters section of this report, Kāinga Ora seeks the following amendment to LCZ-O1 to reflect the place of Local Centres under Town Centres in the Centres hierarchy, on the basis that a LCZ primarily serves its surrounding residential areas instead of suburbs.

LCZ-O1 (Purpose)

The Local Centre Zone meets the needs of communities, businesses, and residents in the surrounding residential catchment and neighbouring suburbs in a manner that supports the City's compact urban growth objectives and its role and function in the City's hierarchy of centres.

Assessment

134. I acknowledge the submission point from Woolworths [359.60] and agree that not all people who use the LCZ will live local to the centre. However, I recommend that the submission point is rejected as the addition of the words '*and passers-by*' to the objective as this will reduce the clarity of the objective and is implicit in any case.

135. I also consider that addition of reference to ‘*sustainable transport*’ within the objective is an unnecessary change that will reduce the clarity of the objective. As such, I recommend that the submission point 377.449 and FS103.28 are rejected.
136. For the reasons detailed at paragraph 120.i of this report, I disagree with Kāinga Ora that the words ‘*and neighbouring suburbs*’ should be deleted from the objective, and I recommend that this submission point is rejected.

Summary of recommendations

137. HS4-P3-LCZ-Rec22: That LCZ-O1 (Purpose) is confirmed as notified.
138. HS4-P4-LCZ-Rec23: That submission points relating to LCZ-O1 are accepted/rejected as detailed in Appendix B.

LCZ-O2 – Accommodating Growth (ISPP)

Matters raised by submitters

139. Restaurant Brands Limited, Z Energy, WCC Environmental Reference Group and Kāinga Ora [349.83, 361.22, 377.450, 391.564] support LCZ-O2 and seek that this is retained as notified.
140. The Ministry of Education [400.127, 400.128] support LCZ-O2 in part and seek the following amendment to explicitly recognise and provide for educational activities in the LCZ which, in their view, are necessary to accommodate growth:

LCZ-O2 (Accommodating growth)

The Local Centre Zone has an important role in accommodating growth and has sufficient serviced, resilient development capacity and additional infrastructure to meet residential and commercial growth needs.

Assessment

141. Consistent with my recommendations in Part 2 (Metropolitan Centre Zone) of this section 42A report, I recommend that the Ministry of Education submission points [400.123, 400.124] are accepted, as the LCZ is a suitable location for additional infrastructure as defined in the PDP.

Summary of recommendations

142. HS4-P3-LCZ-Rec24: That LCZ-O2 (Accommodating Growth) is amended as set out below and at Appendix A.

LCZ-O2 (Accommodating growth)

The Local Centre Zone has an important role in accommodating growth and has sufficient serviced, resilient development capacity and additional infrastructure to meet residential and commercial growth needs.

143. HS4-P3-LCZ-Rec25: That submission points relating to LCZ-O2 are accepted/rejected as detailed in Appendix B.

LCZ-O3 – Amenity and Design (ISPP)

Matters raised by submitters

144. Restaurant Brands Limited, Z Energy and WCC Environmental Reference Group [349.84, 361.23, 377.451] support LCZ-O3 and seek that this is retained as notified.
145. Kāinga Ora [359.565, 359.566] supports the objective in part, and seeks the following amendment to recognise the range of housing densities potentially enabled in the LCZ:

LCZ-O3 (Amenity and design)

Medium to high density mixed-use development is achieved that positively contributes to creating a high quality, well-functioning urban environment that reflects the changing urban form and amenity values of the Local Centres and their surrounding residential areas.

Assessment

146. With respect to the Kāinga Ora submission, I agree that the PDP intends for the LCZ to accommodate both medium and high density mixed-use development, and in fact encourages higher density than most other zones (with the exception of the CCZ and MCZ). As such, I recommend that these submission points [359.565, 359.566] are accepted.

Summary of recommendations

147. HS4-P3-LCZ-Rec26: That LCZ-O3 (Amenity and Design) be amended as detailed below and at Appendix A.

LCZ-O3 (Amenity and design)

Medium to high density mixed-use development is achieved that positively contributes to creating a high quality, well-functioning urban environment that reflects the changing urban form and amenity values of the Local Centres and their surrounding residential areas.

148. HS4-P3-LCZ-Rec27: That submission points relating to LCZ-O3 are accepted as detailed in Appendix B.

LCZ-O4 – Activities (Pt 1 Sch 1)

Matters raised by submitters

149. Restaurant Brands Limited, Z Energy and Kāinga Ora [349.85, 361.24, 391.567] support LCZ-O4 and seek that this is retained as notified.
150. WCC Environmental Reference Group [377.452] support LCZ-O4 in part and seeks the following amendment to capture that the activities provided for in the zone should provide choices that support walkable neighbourhoods:

LCZ-O4 (Activities)

Activities will be of an appropriate scale and type to enhance the vibrancy and viability of Local Centres, support walkable neighbourhoods and support their local purpose.

151. Waka Kotahi [FS103.29] seeks that this change is allowed as it aligns with their strategic direction around mode choice.

Assessment

152. I agree with WCC Environmental Reference Group and Waka Kotahi [377.452, FS103.29] that walkable access to centres, and accessibility in general, should be encouraged through the planning framework. As such, I support this change and recommend that the submission points are accepted.

Summary of recommendations

153. HS4-P3-LCZ-Rec28: That LCZ-O4 (Activities) be amended as detailed below and at Appendix A.

LCZ-O4 (Activities)

Activities will be of an appropriate scale and type to enhance the vibrancy ~~and viability~~ of Local Centres, support walkable neighbourhoods and support their local purpose.

154. HS4-P3-LCZ-Rec29: That submission points relating to LCZ-O4 are accepted as detailed in Appendix B.

Section 32AA Evaluation

155. In my opinion, the amendments to the LCZ-O4 discussed above are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The amendments give better effect to the NPS-UD directions, in particular Objective 1, Policies 1 and 3, by promoting walkable neighbourhoods.
 - b. The changes allow for greater consistency with the across the Plan.
 - c. This change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
156. The recommended amendments will not have any greater environmental, social, economic or cultural effects than the notified provisions.

LCZ-P1 - Accommodating Growth (ISPP)

Matters raised by submitters

157. Restaurant Brands Limited, the Retirement Villages Association and WCC Environmental Reference Group submitters [349.86, 350.235, 377.453] (opposed by Foodstuffs [FS23.41]) support LCZ-P1 and seek that this is retained as notified.

158. McDonald's [274.21, 274.22] and Foodstuffs [476.23] seek that LCZ-P1.1 is amended to remove references on undermining the ongoing viability, vibrancy and primacy of the other Centre zones:

LCZ-P1.1 (Accommodating growth)

1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that ~~does not undermine the ongoing viability and vibrancy of the Metropolitan Centre Zone and primacy of the City Centre Zone~~ supports the purpose of the zone;

159. Kāinga Ora [FS89.58, 89.83] opposes this change on the basis that the scale and primacy of Centres is critical in achieving a well-functioning urban environment and intensification outcomes.

160. Z Energy [361.25, 361.26] seeks the policy is expanded to enable a broad range of commercial activities that support the medium-density business and residential intensification sought. They seek the following change:

LCZ-P1.1 (Accommodating growth)

Provide for the use and development of the Local Centre Zone to meet the City's needs for housing, business activities and community facilities, including:

1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that does not undermine the viability and vibrancy of the Metropolitan Centre Zone and the primacy of the City Centre Zone;
2. Forms of medium density housing;
3. Convenient access to active, public transport and rapid transit options;
4. Efficient, well integrated and strategic use of available development sites; and
5. Convenient access to a range of commercial service and open spaces.

161. Kāinga Ora [391.568, 391.569] seeks the policy is amended to:
- a. Recognise the range of housing densities potentially enabled in the zone, and to recognise that tenures and affordability cannot and should not be managed through the District Plan. The focus should be on providing for the level of the activity and building form that is appropriate for a local centre;
 - b. Clarify that intent of the LCZ is to enable significant intensification and height, and therefore medium to high-density housing is the appropriate scale of development to encourage within the local centre; and
 - c. Recognise the place of the LCZ under the TCZ in the Centres hierarchy.

162. As such, they seek the following change:

LCZ-P1.1 (Accommodating growth)

Provide for the use and development of the Local Centre Zone to meet the City's needs for housing, business activities and community facilities, including:

1. A variety of building types, sizes, ~~tenures, affordability~~ and distribution of a scale and intensity that does not undermine the viability and vibrancy of the Town Centre Zone, the Metropolitan Centre Zone and the primacy of the City Centre Zone;
2. Forms of medium to high density housing;
3. ~~Convenient a~~Access to active, public transport and rapid transit options;
4. Efficient, well integrated and strategic use of available development sites; and
5. Convenient access to a range of open spaces.

163. Brian Sheppard [169.3] has not specified whether he supports or opposes LCZ-P1, but seeks that it is amended to include adequate provision for the good use of open space in Churton Park.

Assessment

LCZ-P1.1

164. With respect to the submission points relating to LCZ-P1.1 McDonald's [274.21, 274.22] and Foodstuffs [476.23] (opposed by Kāinga Ora [FS89.58, 89.83]), Kāinga Ora [391.568, 391.569], I note that the purpose of the LCZ is to facilitate additional commercial and residential development. This is reflected in the rule framework. The LCZ are intended to complement and support the CCZ and MCZ, and improve accessibility to a range of satellite services. While I have recommended that the requirement to consider the vitality and vibrancy of higher order CMUZ be removed from MCZ-P1.1, I consider it is appropriate for the LCZ, given that development should take into account the place of the LCZ within the centres hierarchy. Different levels of development will be appropriate in different LCZ and this can be assessed on a case-by-case basis at the resource consent stage.

165. Consistent with my recommendations in relation to the MCZ (paragraph 76 of Part 2 of this report), and for the same reasons, I recommend that the reference to viability is removed, and the reference to tenures and affordability is retained.

LCZ-P1.2

166. Kāinga Ora [391.568, 391.569] has requested that 'to high' is added at LCZ-P1.2. I agree with this change as high density development will generally be enabled in the LCZ, particularly in areas where a 22 metre (or higher) height limit applies.

LCZ-P1.3

167. Kāinga Ora [391.568, 391.569] has requested that 'convenient' is removed from LCZ-P1.3. I do not see the need for this change, but accept that as all PDP centres zoned LCZ are considered to have convenient access to public and other transport options, the word convenient is potentially redundant.

LCZ-P1.5

168. Z Energy [361.25, 361.26] has requested that LCZ-P1.5 is amended to include reference to 'commercial services'. This matter has been addressed at paragraph 78 of Part 2 (Metropolitan Centre Zone) where I recommend that the not amended on the basis that LCZ-P1.5 relates to the provision of open space and not other activities. For the same reasons, I recommend the Z Energy in relation to the LCZ are rejected.

Summary of recommendations

169. HS4-P3-LCZ-Rec30: That LCZ-P1 (Accommodating growth) is amended as shown below and at Appendix A.

LCZ-P1.1 (Accommodating growth)

Provide for the use and development of the Local Centre Zone to meet the City's needs for housing, business activities and community facilities, including:

1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that does not undermine the ~~viability and~~ vibrancy of the Metropolitan Centre Zone and the primacy of the City Centre Zone;
2. Forms of medium ~~to high~~ density housing;
3. Convenient access to active, public transport and rapid transit options;
4. Efficient, well integrated and strategic use of available development sites; and
5. Convenient access to a range of open spaces.

170. HS4-P3-LCZ-Rec31: That submission points relating to LCZ-P1 are accepted/rejected as detailed in Appendix B.

32AA Evaluation

171. In my opinion, the amendments to the LCZ-P1 discussed above are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The changes allow for greater clarity and consistency with the intention of the LCZ.
 - b. This change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
172. The recommended amendments will not have any greater environmental, social, economic or cultural effects than the notified provisions.

LCZ-P2 – Enabled activities (Pt 1 Sch 1)

Matters raised by submitters

173. Corrections, FENZ, Restaurant Brands Limited, Z Energy, WCC Environmental Reference Group, Kāinga Ora and the Ministry of Education [240.32, 240.33, 273.264, 349.87, 361.27,

377.454, 391.570, 400.129] support LCZ-P2 as notified. No submitters oppose, or request changes to, LCZ-P2.

Recommendation

- 174. HS4-P3-LCZ-Rec32: That LCZ-P2 (Enabled activities) is confirmed as notified.
- 175. HS4-P3-LCZ-Rec33: That submission points relating to LCZ-P1 are accepted as detailed in Appendix B.

LCZ-P3 – Managed activities (Pt 1 Sch 1)

Matters raised by submitters

- 176. Restaurant Brands Limited, Z Energy, WCC Environmental Reference Group and Kāinga Ora [349.88, 361.28, 377.455, 391.571] support LCZ-P3 as notified. No submitters oppose, or request changes to, LCZ-P3.

Recommendation

- 177. HS4-P3-LCZ-Rec34: That LCZ-P3 (Enabled activities) is confirmed as notified.
- 178. HS4-P3-LCZ-Rec35: That submission points relating to LCZ-P3 are accepted as detailed in Appendix B.

LCZ-P4 – Potentially incompatible activities (Pt 1 Sch 1)

Matters raised by submitters

- 179. Restaurant Brands Limited and Kāinga Ora [349.89, 391.572] support LCZ-P4 and seek that this is retained as notified.
- 180. Woolworths [359.61] considers that the policy is unclear and should be amended to clarify why matters 1-4 are included. Furthermore, they seek that these clauses are deleted from the policy on the basis that potentially incompatible activities (being activities not contemplated by the zone, or ones that infringe the zone standards) should be able to be accommodated in the zone if there is a functional and operational need and effects on the Centre are managed. As such, the submitter seeks that LCZ-P4 is amended as follows:

LCZ-P4 (Potentially incompatible activities)

~~Only~~ Allow activities that are potentially incompatible with the role and function of the Local Centre Zone, where they demonstrate an operational or functional need to locate within the zone; or will not have an unacceptable adverse effect on the vibrancy and amenity of the centre. ÷

- ~~1. Carparking visible at street edge along an active frontage or non-residential activity frontage;~~
- ~~2. Demolition of buildings that results in the creation of vacant land;~~
- ~~3. Ground floor residential activities on street edges identified as having an active frontage or non-residential activity frontage; and~~
- ~~4. Yard-based retail activities.~~

181. Waka Kotahi [FS103.30] opposes this change and seeks that the submission is disallowed, on the basis that the clauses within the policy give greater clarity as to the types of activities that may not be compatible with the LCZ.

182. While Z Energy [361.29, 361.30] supports LCZ-P4 in part, they consider that the policy is too specific and will impact on the continued operation, maintenance and upgrade of a range of existing activities. They consider that some yard-based activities, like service stations, play a key role in providing essential services to enable a well-functioning urban environment. As such, they seek that the policy is amended as follows:

LCZ-P4 (Potentially incompatible activities)

Only allow new activities that are potentially incompatible with the role and function of the Local Centre Zone, where they will not have an adverse effect on the vibrancy and amenity of the centre:

1. Carparking visible at street edge along an active frontage or non-residential activity frontage;
2. Demolition of buildings that results in the creation of unutilised vacant land;
3. Ground floor residential activities on street edges identified as having an active frontage or non-residential activity frontage; and
4. Some ~~Y~~ard-based retail activities

183. WCC Environmental Reference Group [377.456] also considers that the policy is unduly restrictive and considers that allowing a wider range of activities (ie yard-based activities) is fundamental to limiting car use and creating walkable neighbourhoods. They seek the following change:

LCZ-P4 (Potentially incompatible activities)

Only allow new activities that are potentially incompatible with the role and function of the Local Centre Zone, where they will not have an adverse effect on the vibrancy and amenity of the centre:

1. Carparking visible at street edge along an active frontage or non-residential activity frontage;
2. Demolition of buildings that results in the creation of unutilised vacant land;
3. Ground floor residential activities on street edges identified as having an active frontage or non-residential activity frontage; ~~and~~
4. ~~Yard-based retail activities~~

Assessment

184. With respect to the Woolworths submission point [359.61] I consider that the addition of the words ‘demonstrate an operational or functional need to locate within the zone’ are unnecessary, given the range of activities and building sizes permitted within the LCZ. This change, along with the addition of the word ‘unacceptable’, are matters that a resource consent planner would consider when assessing an application and are not necessary within the policy. I also disagree with the deletion of the four matters under the policy, as these provide clarity as to what matters are unacceptable.
185. I disagree with Z Energy and WCC Environmental Reference Group that the addition of the word ‘new’ is required, as the policy will only apply to new buildings and activities. There is no expectation to apply for resource consent for existing buildings or activities. I also disagree with the request to add the word ‘Some’ at LCZ-P4.4. In the absence of clarification of what activities would be acceptable, this change would add uncertainty for developers and resource consent planners. As such, I recommend that these submission points [361.29, 361.30, 377.456] are rejected.

Summary of recommendations

186. HS4-P3-LCZ-Rec36: That LCZ-P4 (Potentially incompatible activities) is confirmed as notified.
187. HS4-P3-LCZ-Rec37: That submission points relating to LCZ-P4 are accepted/rejected as detailed in Appendix B.

LCZ-P5 – Heavy industrial activities (Pt 1 Sch 1)

Matters raised by submitters

188. Restaurant Brands Limited, Z Energy and Kāinga Ora [349.90, 361.31, 391.573] support LCZ-P5 and seek that this is retained as notified.
189. WCC Environmental Reference Group [377.457] seeks that the policy is amended on the basis that the use of ‘avoid’ is too strong/prohibitive and there are some activities, such as small-scale waste collection, that would fit within the category of heavy industrial activities but would be suitable in the LCZ. They seek the following change:

LCZ-P5 (Heavy industrial activities)

Only allow heavy industrial activities where they will not have an adverse effect on the vibrancy and amenity of the centre.

~~Avoid heavy industrial activities from locating in the Local Centre Zone.~~

Assessment

190. With respect to the submission from WCC Environmental Reference Group [377.457], I note that industrial activities are enabled at LCZ-P2 and as a Permitted activity under LCZ-R12.1. A small-scale waste collection activity that was determined to be an industrial activity and not a heavy industrial activity could therefore occur within the LCZ. The purpose of LCZ-P5 is to prevent larger scale activities where these create: *“offensive and objectionable noise, dust or odour, significant volumes of heavy vehicle movements, or elevated risks to people’s health and safety”*. The LCZ encourages mixed use development and the purpose of LCZ-P5 is to ensure that the effects of heavy industrial activities do not adversely affect other activities within the zone. Therefore, I consider it is appropriate that such activities be avoided within the zone and that the submission point should be rejected.

Summary of recommendations

191. HS4-P3-LCZ-Rec38: That LCZ-P5 (Heavy industrial activities) is confirmed as notified.
192. HS4-P3-LCZ-Rec39: That submission points relating to LCZ-P5 are accepted/rejected as detailed in Appendix B.

LCZ-P6 – Housing choice (ISPP)

Matters raised by submitters

193. Restaurant Brands Limited, Z Energy and WCC Environmental Reference Group [349.91, 361.32, 377.458] support LCZ-P6 and seek that this is retained as notified.
194. The Retirement Villages Association [350.236, 350.237] generally supports LCZ-P6 and its enablement of medium density residential development, but seek the following change to acknowledge that each individual development will not offer a range in those matters:

LCZ-P6 (Housing choice)

Enable medium density 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.

195. Kāinga Ora [391.574, 391.575] seeks the policy is amended to:
- a. Recognise the range of housing densities potentially enabled in the zone, and to recognise that tenures and affordability cannot and should not be managed through

the District Plan. The focus should be on providing for the level of the activity and building form that is appropriate for a Local Centre; and

- b. Clarify that the intent of the LCZ is to enable significant intensification and height, and therefore medium to high-density housing is the appropriate scale of development to encourage within the Local Centre and high-density residential development can provide for a range of housing choices in itself.

196. They request the following changes:

LCZ-P6 (Housing choice)

Enable medium to high density residential development that:

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

Assessment

197. The Retirement Villages Association [350.236, 350.237] requests that the word 'Offers' is changed to 'Contributes to' at LCZ-P6.2. I consider that these words can be used interchangeably and that this change is not necessary; however, I have no concerns if the IHP considers that this change is appropriate.

198. LCZ-P6 seeks that a range of housing is supplied in the LCZ, but is not prescriptive in that there is no implicit requirement to provide this range within each development. As such, I consider that LCZ-P6.2 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 LCZ.

199. As discussed previously, medium density housing is appropriate in the LCZ.

200. For these reasons I recommend that the Kāinga Ora [391.574, 391.575] submission points relating to this part of the policy are rejected.

Summary of recommendations

201. HS4-P3-LCZ-Rec40: That LCZ-P6 (Housing choice) is consequentially amended to be consistent with CCZ-Rec32.

202. HS4-P3-LCZ-Rec41: That submission points relating to LCZ-P6 are accepted/rejected as detailed in Appendix B.

LCZ-P7 – Quality design – neighbourhood and townscape outcomes (ISPP)

Matters raised by submitters

203. Restaurant Brands Limited, the Retirement Villages Association, WCC Environmental Reference Group and Wellington Heritage Professionals [349.92, 350.238, 377.459, 412.78] support LCZ-P7 and seek that this is retained as notified.

204. Foodstuffs [FS23.41] opposes LCZ-P7 being retained as notified on the basis that they seek an amendment to the policy.
205. FENZ [273.265, 273.266] supports the policy in part but seeks that this is amended to include a further matter that access for emergency service vehicles is a consideration of the design and layout of new developments. They seek the following change:

LCZ-P7 (Quality design - neighbourhood and townscape 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 the Local Centre Zone by:

1. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:
- ...
- x. is accessible for emergency service vehicles

206. On the basis that while functional and operational needs are referenced in some assessment criteria but not in the policy framework, McDonald's [274.23, 274.24] and Foodstuffs [476.24, 476.25] seek the following change to LCZ-P7:

LCZ-P7 (Quality design - neighbourhood and townscape 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 the Local Centre Zone by:

3. Recognising the functional and operational requirements of activities and development.

207. Z Energy [361.33, 361.34] considers that LCZ-P7 should be amended to recognise that alternative design responses are necessary for functional requirements of a range of activities, including existing service stations. They seek the following change:

LCZ-P7 (Quality design - neighbourhood and townscape 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 the Local Centre Zone by:

1. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:
- ...
- x. Recognises that alternative design responses are necessary for functional requirements of a range of activities, including existing service stations.

208. Kāinga Ora [391.574, 391.575] supports LCZ-P7 in part, but seeks the following amendments:
- a. A change to the name of the policy to better reflect the intent of the policy and the subsequent wording, which seeks to manage new developments contribution to the neighbourhood and townscape; and

- b. A change to the policy wording to better recognise the LCZ rule setting and the intent of the NPS-UD (particularly Policy 6) that recognises the planned urban built form and that change to existing amenity is not in itself an adverse effect; and to simplify and clarify the neighbourhood and townscape outcomes that the District Plan is seeking to manage.

209. They request the following changes:

LCZ-P7 ~~Quality design – a~~Neighbourhood and townscape 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 planned urban built form and function ~~amenity~~ of the Local Centre Zone by:

1. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:
 - a. ~~Acts as a positive catalyst for future change by reflecting~~ Reflects the nature and scale of the development ~~proposed~~ enabled within the zone ~~and in the vicinity~~ and responds to the evolving, more intensive identity of the neighbourhood;
 - b. Optimises the development capacity of land, ~~particularly sites that are:~~
 - ~~i. Large; or~~
 - ~~ii. Narrow; or~~
 - ~~iii. Vacant; or~~
 - ~~iv. Ground level parking areas;~~
 - c. Provides for the increased levels of residential accommodation enabled in this zone; and
 - d. Provides for a range of supporting business, open space and community facilities; and
3. Ensuring that the development, ~~where relevant:~~
 - a. Responds to the site context, particularly where it is located adjacent to:
 - i. A scheduled site of significance to tangata whenua or other Māori;
 - ii. Heritage buildings, heritage structures and heritage areas;
 - ~~iii. An identified character precinct;~~
 - ...

Assessment

210. I agree with FENZ [273.265, 273.266] that sites should be accessible for emergency service vehicles and recommend that these submission points are accepted.
211. For the reasons set out at paragraph 125 of Part 2 (Metropolitan Centre Zone) of this report, I recommend that the request to reference functional and operational needs within the policy is rejected. Essentially, this change would elevate the importance of operational and functional needs and may result in outcomes that are inconsistent with the purpose of the zone, It is appropriate that these remain in the assessment criteria, whereby the standard

indicates that their consideration is appropriate. As such, I recommend that the submission points from McDonald's [274.23, 274.24] and Foodstuffs [476.24, 476.25] are rejected.

212. I consider that the submission points from Z Energy [361.33, 361.34] should be rejected. This is because the relief sought will be addressed through the inclusion of a new LCZ-P7.3, as recommended above.
213. With respect to the changes requested by Kāinga Ora [391.574, 391.575], I do not consider a change to the name of the policy is required. The existing title signifies that this policy is design focussed, whereas the requested change does not. If the name of the policy is changed, I recommend it is called 'Quality Design Outcomes', with the words 'Neighbourhood and Townscape Outcomes' deleted, as the points within the policy are not specifically related to these outcomes.
214. I consider that the changes requested with respect to the wording of LCZ-P7.1.a are an improvement on the current wording, which is aspirational but could be difficult to demonstrate in a resource consent application. I therefore recommend that this change is made. I also support the requested changes to LCZ-P7.1.b as I consider the deleted section is not necessary in the LCZ, noting that sites in the zone are typically smaller than those in the CCZ and MCZ and that the policy will still require a developer to maximise the development capacity of their land. I do not consider the deletion of the words 'where relevant' to be necessary, as the intent of these words is to indicate that not all matters will apply in all circumstances. Finally, I recommend that the request to delete 'iii. An identified character precinct' is rejected. In particular the Newtown LCZ adjoins a character precinct and deleting this clause could result in the degradation of the quality of the character precinct if the requirement is removed.
215. As has been detailed throughout this section 42A report (and in others), various submitters have requested that references to the Design Guides be removed from the rule framework¹⁹. Under my assessment of MCZ-R20 in Part 2 of this report (paragraphs 237 to 239) and LCZ-R18 below, I determine that this change is appropriate and that references to the Design Guides sit best within the policy framework. As such, a change to LCZ-P7 is required to signify that a development is required to meet the requirements of the CMUDG as relevant. It is intended that this wording also addresses submitters' concerns that references to the Design Guides are prescriptive and the guidelines must be met in full, whereas the Council's intention is that these are applied with reference to the context of the site and that only applicable guidelines are addressed.
216. On the basis of the commentary above, I recommend that LCZ-P7 is amended as set out in my Summary of Recommendations below. I note that these recommendations align with my recommendations in Part 2 of this report, with respect to the Metropolitan Centre Zone.

¹⁹ Note that further consideration of the Design Guides has been deferred to the Wrap Up Hearing to follow Hearing Streams 1 to 5 (Refer to IHP Minute 15).

Summary of recommendations

217. HS4-P3-LCZ-Rec42: That LCZ-P7 (Quality design – neighbourhood and townscape outcomes) is amended as set out below and at Appendix A.

Quality design outcomes – ~~neighbourhood and townscape 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 the Local Centre Zone by:

1. Meeting the requirements of the Centres and Mixed Use Design Guide as relevant;
2. ~~1-~~ Recognising the benefits of well-designed, comprehensive, development, including the extent to which the development:
 - a. ~~Acts as a positive catalyst for future change by reflecting~~ Reflects the nature and scale of the development ~~proposed~~ enabled within the zone ~~and in the vicinity~~ and responds to the evolving, more intensive identity of the neighbourhood;
 - b. Optimises the development capacity of land, ~~particularly sites that are:~~
 - i. ~~Large; or~~
 - ii. ~~Narrow; or~~
 - iii. ~~Vacant; or~~
 - iv. Ground level parking areas;
 - c. Provides for the increased levels of residential accommodation enabled in this zone; and
 - d. Provides for a range of supporting business, open space and community facilities; and
 - e. Is accessible for emergency service vehicles.
3. ~~2-~~ Ensuring that the development, where relevant:
 - a. Responds to the site context, particularly where it is located adjacent to:
 - i. A scheduled site of significance to tangata whenua or other Māori;
 - ii. A heritage building, heritage structure or heritage area;
 - iii. Residential zoned areas;
 - iv. Open space zoned areas;
 - b. Provides a safe and comfortable pedestrian environment;
 - c. Enhances the quality of the streetscape and public / private interface;
 - d. Integrates with existing and planned active and public transport movement networks; and
 - e. Allows sufficient flexibility for ground floor space to be converted for a range of activities, including residential.

218. HS4-P3-LCZ-Rec43: That submission points relating to LCZ-P7 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

219. In my opinion, the amendments to LCZ-P7 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The amendments give better effect to the NPS-UD direction, in particular Objective 1 with respect to well-functioning urban environments and Objective 4, in terms of providing greater flexibility and amenity value.
 - b. The changes signify that the CMUDG should be addressed at the project development stage to ensure that the development accords with the relevant guidance; and that an assessment against the CMUDG is necessary at the resource consent stage.

- c. The changes will help to ensure that important access for emergency service vehicles is available.
- d. The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.

220. The environmental, economic, social and cultural effects of the recommended amendments are detailed below.

Environmental	<ul style="list-style-type: none"> • The change signifies that high quality design that achieves a range of improved outcomes is paramount within the zone, noting that this requirement is already set out in the LCZ rule framework. The environmental outcome will be a local centre that provides a high quality environment where people can live, work and undertake wide a range of associated activities.
Economic	<ul style="list-style-type: none"> • The changes to the wording of the policy provide clarity as to how the policy applies, thereby reducing uncertainty and associated time and cost involved with resource consent applications. • The change does not introduce any new requirements that would impose additional costs on developers.
Social	<ul style="list-style-type: none"> • The changes will result in more vibrant centres that help provide for the health and wellbeing of people and communities.
Cultural	<ul style="list-style-type: none"> • The changes will result in more vibrant centres that also help provide for the cultural wellbeing of people and communities.

LCZ-P8 – On-site residential amenity (ISPP)

Matters raised by submitters

- 221. Restaurant Brands Limited, Z Energy and WCC Environmental Reference Group [349.93, 361.35, 377.460] support LCZ-P8 and seek that this is retained as notified.
- 222. Kāinga Ora [391.578, 391.579] supports the policy in part, but seek amendments to clarify the extent of on-site amenity requirements. They comment that open space can be private or communal and this does not need to be specified in the policy and consider that outlook requirements should not be mandatory in a higher density living situation.

<p>LCZ-P8 (On-site residential amenity)</p> <p>Achieve a good standard of amenity for residential activities in the Local Centre Zone <u>by ensuring access to convenient outdoor space.</u>;</p> <p>1. Providing residents with access to adequate outlook; and</p> <p>2. Ensuring access to convenient outdoor space, including private or shared communal areas.</p>

Assessment

223. As discussed at paragraph 141 of Part 2 (Metropolitan Centre Zone) of this s42A report, I consider that points 1 and 2 under the policy provide useful guidance as to how the policy applies and should be retained. I note that there is no requirement to provide both private and communal outdoor space, rather communal outdoor space should be provided if private space is not. I acknowledge this may not be clear in the current wording and recommend a number of changes to LCZ-P8.2.
224. For the reasons set out above, I recommend the submission points from Kāinga Ora [391.578, 391.579] are accepted in part, and that LCZ-P8 should be amended as set out in my Summary of Recommendations below.
225. Further to the assessment above, I recommend that LCZ-P8 is amended to reference the Residential Design Guide insofar as this seeks to encourage high quality on-site amenity for residential activities. This is a consequential change of amending LCZ-R18 (as requested by a number of submitters). It will allow for the removal of references to the RDG from LCZ-R18, noting that an assessment against the policy is required as a matter of discretion.
226. On the basis of the assessment above, I recommend that LCZ-P8 is amended as set out in my Summary of Recommendations below. I note that these recommendations align with my recommendations in Part 2 (Metropolitan Centre Zone), Part 4 (Neighbourhood Centre Zone), Part 5 (Mixed Use Zone) and Part 6 (Commercial Zone) of this report.

Summary of recommendations

227. HS4-P3-LCZ-Rec44: For the reasons set out in my assessment above, I recommend that LCZ-P8 (On-site residential amenity) is amended as set out below and to reflect CCZ-Rec156 at Appendix A.

LCZ-P8 (On-site residential amenity)

Achieve a good standard of amenity for residential activities in the Local Centre Zone by:

1. Providing residents with access to adequate outlook; and
2. Ensuring convenient access to convenient outdoor space, including private and/or shared communal areas of outdoor space;
3. Meeting the requirements of the Residential Design Guide as relevant; and
4. Providing residents with adequate internal living space.

228. HS4-P3-LCZ-Rec45: That submission points relating to LCZ-P8 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

229. In my opinion, the amendments to LCZ-P8 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- The amendments give better effect to the NPS-UD directions, in particular Objective 1 with respect to well-functioning urban environments, and Policies 2, 3 and 6 in terms of providing a balance between enabling development capacity in the LCZ whilst ensuring that high quality on-site amenity is provided for residents.
 - The changes clarify the wording of the policy with respect to the provision of communal open space.
 - The changes allow for LCZ-R18 to be simplified, as will be addressed later in this report. The addition of the reference to the RDG in the 'On-site residential amenity' policy is considered appropriate as this is where such amenity is assessed. This change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
 - The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
230. The environmental, economic, social and cultural effects of the recommended amendments are detailed below.

Environmental	<ul style="list-style-type: none"> The environmental benefit will be development that provides a high quality residential amenity for people living in the centre, thereby enhancing the overall quality of the respective LCZ.
Economic	<ul style="list-style-type: none"> No direct or indirect economic costs (e.g., on economic growth or employment) have been identified. The value increased residential amenity has on a development and its contribution to the revenues that can be generated. It found that a high standard of development with good amenity would also support a higher price point for developments.
Social	<ul style="list-style-type: none"> The changes will result in more vibrant centres that also help provide for the health and wellbeing of people and communities. The change will result in higher on-site amenity and assist to reduce impacts on the amenity available to surrounding residential properties.
Cultural	<ul style="list-style-type: none"> The changes will result in more vibrant centres that also help provide for the cultural wellbeing of people and communities.

LCZ-P9 – Managing adverse effects (ISPP)

Matters raised by submitters

231. Restaurant Brands Limited, Z Energy and WCC Environmental Reference Group [349.94, 361.36, 377.461] support LCZ-P9 and seek that this is retained as notified.
232. The Retirement Villages Association [350.239] opposes LCZ-P9 in part. They agree that shading, privacy, bulk and dominance effects on adjacent sites require management; but

consider that the level of management needs to be informed by the development expectations for the zone. They request that the policy is amended to reflect this, and the introduction of a 'Role of Density Standards' policy.

233. Kāinga Ora [391.580, 391.581] considers that an amendment is required to LCZ-P9 to specify that adverse effects that need consideration are only those beyond what is anticipated in the zone. They seek the following change:

LCZ-P9 (Managing adverse effects)

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

1. Shading, privacy, bulk and dominance effects on adjacent sites; and
2. The impact of construction on the transport network.

Assessment

234. I agree with the submitters in support of LCZ-P9 and consider that this should be retained as notified. As such, I recommend that these submission points [349.94, 361.36, 377.461] are accepted.
235. In my view the change requested by the Retirement Villages Association [350.239] is unnecessary given the notification clauses under LCZ-R18, which set a clear indication that where a development complies with the building standards effects on adjoining properties and/or the public environment will not be taken into account, at least with respect to the section 95 (notification) decision on an application.
236. I disagree with Kāinga Ora [391.580, 391.581] that the policy should only allow for consideration of effects 'beyond what is anticipated in the zone'. As discussed at paragraph 151 of Part 2 (Metropolitan Centre Zone), this would effectively build a permitted baseline test into the policy, which arguably should remain at the discretion of the resource consent planner.

Summary of recommendations

237. HS4-P3-LCZ-Rec46: That LCZ-P9 (Managing adverse effects) is amended consequentially to reflect CCZ-Rec 46.
238. HS4-P3-LCZ-Rec47: That submission points relating to LCZ-P9 are accepted/rejected as detailed in Appendix B.

LCZ-P10 – City Outcomes Contribution (ISPP)

Matters raised by submitters

239. WCC Environmental Reference Group [377.462] supports LCZ-P10 and seeks that this is retained as notified. Conversely, McDonald's, the Retirement Villages Association, Investore,

Fabric Property Limited and Foodstuffs [274.25, 350.241, 405.66, 425.52, 476.26] oppose the policy and seek that it is deleted.

240. An additional eight submission points from Property Council [338.15] (opposed by the Retirement Villages Association and Ryman [FS126.206, FS128.206]), Restaurant Brands Limited [349.95] (opposed by Foodstuffs [FS23.43]), Woolworths [359.62] (opposed by Foodstuffs [FS23.9]), Z Energy [361.37, 361.38], Kāinga Ora [391.582 (opposed in part by the Retirement Villages Association and Ryman [FS126.154, FS128.154]), 391.583 (opposed in part by the Retirement Villages Association and Ryman [FS126.155, FS128.155])], and VicLabour [414.37] seek that the policy is retained with amendments.
241. I note that Woolworths [359.62] has identified that LCZ-P10 incorrectly refers to guideline G107, whereas the correct reference is G97.

Assessment

242. The City Outcomes Contribution policy has been addressed at section 8.10 of the Overview and General Matters section of this report, where it is recommended that the City Outcomes Contribution mechanism is removed from the Design Guides into an appendix (Appendix 16), and that it continues to apply to all over height buildings specifically. I agree with this approach, noting that it provides more certainty for developers and will achieve the outcomes sought by the Council – being high quality buildings that enhance the public environment.
243. I note that none of the submitters above specifically oppose the application of the City Outcomes Contribution within the LCZ. Instead, all of the submissions seeking that this is deleted are generic in nature and request it is deleted from all relevant chapters. Likewise, changes requested would apply to the policy and associated guideline across all relevant zones. As such, no specific assessment is required in this report and I instead defer to the assessment and recommendations in the Overview and General Matters section of this report, with any consequential changes to the City Outcomes Contribution policy arising carried forward to the LCZ as outlined in that report. Appendix B sets out the responses to the submission points listed at paragraphs 239 to 241 above.
244. I agree with Woolworths [359.62] that LCZ-P10 should be amended to reference to G97, if the policy is retained as this is an error in the PDP.

Summary of recommendations

245. HS4-P3-LCZ-Rec48: That LCZ-P10 (City Outcomes Contribution) is confirmed with amendments consistent with those set out in the Overview and General Matters section of this report (HS4-Overview-Rec22 to HS4-Overview-Rec30) and detailed in Appendix A.
246. HS4-P3-LCZ-Rec49: That LCZ-P10 is retained, subject to a correction to reference to G97 (City Outcomes Contribution).
247. HS4-P3-LCZ-Rec50: That submission points relating to the introduction to LCZ-P10 are accepted/rejected as detailed in Appendix B.

LCZ-R1 – Commercial activities (Pt 1 Sch 1)

Matters raised by submitters

248. Restaurant Brands Limited, WCC Environmental Reference Group and Foodstuffs [349.96 (supported by Foodstuffs [FS23.73]), 377.463, 476.92] support LCZ-R1 and seek that it is retained as notified.

Summary of recommendations

249. HS4-P3-LCZ-Rec51: That LCZ-R1 (Commercial activities) is confirmed as notified.
250. HS4-P3-LCZ-Rec52: That submission points relating to LCZ-R1 are accepted as detailed in Appendix B.

LCZ-R3 – Educational facilities (Pt 1 Sch 1)

Matters raised by submitters

251. WCC Environmental Reference Group and the Ministry of Education [377.465, 400.130] support LCZ-R3 and seek that it is retained as notified.

Summary of recommendations

252. HS4-P3-LCZ-Rec53: That LCZ-R3 (Educational facilities) is confirmed as notified.
253. HS4-P3-LCZ-Rec54: That submission points relating to LCZ-R3 are accepted as detailed in Appendix B.

LCZ-R4 – Arts, culture and entertainment activities (Pt 1 Sch 1)

Matters raised by submitters

254. WCC Environmental Reference Group [377.466] supports LCZ-R4 and seeks that this is retained as notified.

Summary of recommendations

255. HS4-P3-LCZ-Rec55: That LCZ-R4 (Arts, culture and entertainment activities) is confirmed as notified.
256. HS4-P3-LCZ-Rec56: That the submission point relating to LCZ-R4 is accepted as detailed in Appendix B.

LCZ-R5 – Emergency services facilities (Pt 1 Sch 1)

Matters raised by submitters

257. FENZ and WCC Environmental Reference Group [273.267, 377.467] support LCZ-R5 and seeks that this is retained as notified.

Summary of recommendations

258. HS4-P3-LCZ-Rec57: That LCZ-R5 (Emergency services facilities) is confirmed as notified.
259. HS4-P3-LCZ-Rec58: That submission points relating to LCZ-R5 are accepted as detailed in Appendix B.

LCZ-R6 – Community corrections activities (Pt 1 Sch 1)

Matters raised by submitters

260. Corrections and WCC Environmental Reference Group [240.34, 377.468] support LCZ-R6 and seeks that this is retained as notified.

Recommendation

261. HS4-P3-LCZ-Rec59: That MCZ-R6 (Community corrections activities) is confirmed as notified.
262. HS4-P3-LCZ-Rec60: That submission points relating to MCZ-R6 are accepted as detailed in Appendix B.

LCZ-R7 – Visitor accommodation (Pt 1 Sch 1)

Matters raised by submitters

263. WCC Environmental Reference Group [377.469] supports LCZ-R7 and seeks that this is retained as notified.

Recommendation

264. HS4-P3-LCZ-Rec61: That MCZ-R7 (Visitor accommodation) is confirmed as notified.
265. HS4-P3-LCZ-Rec62: That the submission point relating to LCZ-R7 is accepted as detailed in Appendix B.

LCZ-R8 – Recreational activities (Pt 1 Sch 1)

Matters raised by submitters

266. WCC Environmental Reference Group [377.470] supports LCZ-R8 and seeks that this is retained as notified.

Recommendation

267. HS4-P3-LCZ-Rec63: That LCZ-R8 (Recreational activities) is confirmed as notified.

LCZ-R9 – Public transport activities (Pt 1 Sch 1)

Matters raised by submitters

268. WCC Environmental Reference Group [377.471] supports LCZ-R9 and seeks that this is retained as notified.

Recommendation

269. HS4-P3-LCZ-Rec64: That MCZ-R9 (Public transport activities) is confirmed as notified.

270. HS4-P3-LCZ-Rec65: That the submission point relating to LCZ-R9 is accepted as detailed in Appendix B.

LCZ-R10 – Residential activities (Pt 1 Sch 1)

Matters raised by submitters

271. Corrections and WCC Environmental Reference Group [240.35, 377.472] support LCZ-R10 and seek that this is retained as notified.

272. Friends of Khandallah [252.3] seeks that the rule is amended so that the entire ground floor of a building must be non-residential. The Retirement Villages Association [FS126.51] and Ryman [FS128.51] oppose this request and seek that it is disallowed.

273. The Retirement Villages Association [350.242 350.243] oppose LCZ-R10 with respect to the limitations on ground level activities and seek that the rule is amended. Waka Kotahi [FS103.31] supports the restriction on ground level activities and seeks that submission point 350.242 is disallowed.

274. Kāinga Ora [391.584, 391.585] supports LCZ-R10 in part, but seeks that this is amended as follows:

LCZ-R10 (Residential activities)

1. Activity status: Permitted

Where:

a. The activity is located:

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

Activity status: Restricted Discretionary

Where:

a. Compliance with the requirements of LCZ-R10.1.a cannot be achieved.

Matters of discretion are restricted to:

1. The matters in LCZ-P7 and LCZ-P8.

Notification status: An application for resource consent made in respect of rule LCZ-R10.2.a is precluded from being limited and publicly notified.

Assessment

275. LCZ-R10 is generally permissive of residential activities within the LCZ, unless these are located at the ground level of buildings identified as having an active or non-residential frontage, or where a verandah is required or on a site subject to the Natural Hazards Overlay. Friends of Khandallah [252.3] have requested that the rule is amended so that the entire ground floor of a building must be non-residential. In this respect I note that where the building does not meet any one of the requirements at LCZ-R10.1.a.ii to LCZ-R10.1.a.v then the rule applies to the entirety of the building. The purpose of this rule is to ensure that commercial buildings along identified frontages create and maintain a positive interaction with the public environment; however, there will be streets within the LCZ where no such interaction is necessary and residential development at ground level will be acceptable. As such, I recommend that this submission point is rejected.
276. On the basis of the assessment and changes recommended in the Overview and General Matters section of this report, I recommend that the Retirement Villages Association submission point [340.242] is rejected.
277. For the reasons set out in my assessment at paragraph 183 of Part 2 (Metropolitan Centre Zone), I disagree with Kāinga Ora [391.584, 391.585] that the deletion of LCZ-R10.1.iv is necessary, but recommend that LCZ-R10.1.v is deleted. I disagree that the activity status under LCZ-R10 should change to Restricted Discretionary. The Discretionary activity status signifies that residential activities are discouraged along active or non-residential frontages and encourages developers to design for the CMUZ context. I have no concerns with amending the notification clause under this rule as it relates to the activity, noting that the PDP seeks to enable residential activity within the LCZ and that under LCZ-R18 buildings that generate adverse effects may still be limited notified if they generate adverse effects on adjoining sites that exceed those provided for under the building standards.

Summary of recommendations

278. HS4-P3-LCZ-Rec66: That LCZ-R10 (Residential activities) is amended as detailed below and at Appendix A.

LCZ-R10 (Residential activities)

1. Activity status: Permitted

Where:

a. The activity is located:

i. Above ground floor level;

ii. At ground floor level along any street edge not identified as an active frontage; and

iii. At ground floor level along any street edge not identified as a non-residential activity frontage;

iv. At ground level along any street not identified as requiring verandah coverage; ~~or~~

~~v. At ground level on any site contained within a Natural Hazard Overlay.~~

2. Activity status: Discretionary

Where:

a. Compliance with the requirements of LCZ-R10.1.a cannot be achieved.

Notification status: An application for resource consent made in respect of rule LCZ-R10.2.a is precluded from being **limited and** publicly notified.

279. HS4-P3-LCZ-Rec67: That submission points relating to LCZ-R10 are accepted/rejected as detailed in Appendix B.

LCZ-R11 – Integrated retail activities (Pt 1 Sch 1)

Matters raised by submitters

280. WCC Environmental Reference Group [377.473] (opposed by Johnsonville Community Association Incorporated [FS114.44]) supports LCZ-R11 and seeks that this is retained as notified.
281. The Johnsonville Community Association Incorporated [429.39] opposes the rule on the basis that it is too restrictive, in particular with respect to the development of Johnsonville Mall, and seeks that it is deleted in its entirety.
282. Kāinga Ora [391.586, 391.587, 391.588] (opposed by the Johnsonville Community Association Incorporated [FS114.37, FS114.38, FS114.39]) supports LCZ-R11 in part, but considers that the gross floor area of 20,000m² does not appropriately reflect the scale of the centres hierarchy anticipated by the NPS-UD and this should be reduced for the LCZ. They seek that the rule is amended as follows:

LCZ-R11 (Integrated retail activity)

1. Activity status: Permitted

where:

a. The total gross floor area does not exceed $\leq 10,000\text{m}^2$.

Assessment

283. With respect to the requested $10,000\text{m}^2$ GFA, I note that the $20,000\text{m}^2$ provided for under the notified rule will enable a significantly sized integrated retail activity. The LCZ is third in the hierarchy of centres and I consider that $20,000\text{m}^2$ is an acceptable GFA within this zone. Dr Lees endorses this change, noting that larger GFA in the LCZ will likely improve the “*push and pull factors of Wellington City*”²⁰. I note that there are unlikely to be individual sites with an area of $20,000\text{m}^2$ in most LCZ. As such, any such activities would likely be in a multi-level building. Given that the effects of any such building will be assessed in accordance with LCZ-R18, I do not consider additional constraints on the GFA of the activity within such buildings to be necessary.
284. As such, I recommend that the submission points from Kāinga Ora [391.586-391.588] requesting a $10,000\text{m}^2$ GFA be rejected, and the further submissions [FS114.37-FS114.39] accepted.
285. I also recommend that the submission point from Johnsonville Community Association Incorporated [429.39] requesting that the GFA restriction is deleted in its entirety in the LCZ is rejected. While I consider that a large-scale integrated retail activity is appropriate in the LCZ, I also consider that the permitted GFA for such activities should relate to the zone hierarchy. This is reflected in my recommendation that the GFA is removed entirely in relation to the MCZ²¹ and retained at $10,000\text{m}^2$ in the NCZ (refer to paragraphs 187-191 of Part 2 (Metropolitan Centre Zone) of this report and paragraphs 206 of Part 4 (Neighbourhood Centre Zone) respectively). In recommending these GFA I have taken into account that the MCZ and LCZ will serve larger communities and have established services (such as public transport) that may not be available in the NCZ.
286. I recommend that the statement that ‘*Council will not apply a permitted baseline.*’ should be deleted from LCZ-R11.2. In my view, the position set out in this statement is unnecessarily constraining as it should be up to the resource consent planner assessing an application to determine whether or not a permitted baseline should be applied, noting that this is at the planner’s discretion. In any event, given that the rule applies to the activity, the permitted baseline in this case would be the effects of an integrated retail activity with a GFA larger than that specified at LCZ-R11.1. For consistency, and for the same reasons, I recommend that this is deleted from LCZ-R18 and MUZ-R11. This change is detailed at Appendix A.

²⁰ Statement of Evidence of Dr Kirdan Lees, para 50.

²¹ Note this relief may in fact address the submission point from Johnsonville Community Association Incorporated [429.39].

Summary of recommendations

287. HS4-P3-LCZ-Rec68: That LCZ-R11 (Integrated retail activities) is amended as detailed below and at Appendix A.

<p>LCZ-R11 (Integrated retail activity)</p> <p>1. Activity status: Permitted</p> <p>where:</p> <p style="padding-left: 40px;">a. The total gross floor area does not exceed 20,000m².</p> <p>2. Activity status: Restricted Discretionary</p> <p>....</p> <p style="color: red;">Council will not apply a permitted baseline assessment when considering the effects of integrated retail activities that cannot comply with LCZ-R11.1.a.</p>

288. HS4-P3-LCZ-Rec69: That submission points relating to LCZ-R11 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

289. In my opinion, the amendments to LCZ-R11 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:

- a. The change to the GFA enables larger development within the LCZ, aligning with Objective 1 and 3 of the NPS-UD.
- b. The change aligns with good planning practice with respect to the application of the permitted baseline, which I consider should be at the discretion of the resource consent planner.
- c. The recommended changes are more efficient and effective than the notified provisions in achieving the objectives of the District Plan.

290. The environmental, economic, social and cultural effects of the recommended amendments are detailed below.

<p>Environmental</p>	<ul style="list-style-type: none"> • The environmental outcome will be a significantly sized integrated retail activity; however, the building that accommodates this will be subject to a resource consent. Hence any effects of the building will go through an assessment in relation to their design. • Likewise, other District Plan chapters will apply. For example, the Transport chapter will regulate traffic effects and the Natural Hazards chapter will influence the scale of development that can take place in locations where a natural hazards overlay applies.
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Economic	<ul style="list-style-type: none"> • The changes enable additional retail capacity and reduce consenting and compliance costs for developers. • The change does not introduce any new requirements that would impose additional costs on developers.
Social	<ul style="list-style-type: none"> • The changes will result in more vibrant centres that help provide for the health and wellbeing of people and communities.
Cultural	<ul style="list-style-type: none"> • The changes will result in more vibrant centres that also help provide for the cultural wellbeing of people and communities.

LCZ-R12 – Industrial activities (Pt 1 Sch 1)

Matters raised by submitters

291. WCC Environmental Reference Group [377.474] seeks that LCZ-R12 is amended on the basis that it is too restrictive and could be a major roadblock for community waste management, small scale composting or niche recycling activities. They seek the following amendment to the rule:

<p>LCZ-R12.2 (Industrial activities)</p> <p>2. Activity Status: Non-complying <u>Discretionary</u></p> <p>Where:</p> <p>Compliance with the requirements of LCZ-R12.1.a cannot be achieved.</p> <p>Notification status: An application for resource consent made in respect of rule LCZ-R12.2.a must be publicly notified.</p>
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Assessment

292. Industrial activities are enabled at LCZ-P2 and are a Permitted activity under LCZ-R12.1. A small-scale waste collection activity that was determined to be an industrial activity and not a heavy industrial activity is therefore enabled within the LCZ, whereas the policy framework seeks to avoid larger scale industrial activities. I therefore consider it is appropriate to retain the activity status and notification clause as notified.

Summary of recommendations

293. HS4-P3-LCZ-Rec70: That LCZ-R12 (Industrial activities) is confirmed as notified.
294. HS4-P3-LCZ-Rec71: That the submission point relating to LCZ-R12 is rejected as detailed in Appendix B.

LCZ-R13 – Carparking activities (Pt 1 Sch 1)

Matters raised by submitters

295. Kāinga Ora [391.589] generally supports LCZ-R13 and seeks that this is retained as notified.
296. McDonald's [274.26, 274.57] and Foodstuffs [476.27, 476.28] oppose the Discretionary activity status under the rule and seeks that this is changed to Restricted Discretionary . Woolworths [359.63] also seeks this change and has recommended a number of matters of discretion to sit under the rule. The changes requested by these submitters are shown below:

LCZ-R13.2 (Carparking activities)

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

Where:

a. Compliance with the requirements of LCZ-R13.1.a is not achieved.

Matters of discretion are:

1. The matters in LCZ-P2, LCZ-P3, LCZ-P4, LCZ-P7, LCZ-P9 and LCZ-P10;

2. The cumulative effect of the development on:

a. The ongoing viability and vibrancy of the Zone;

b. The safety and efficiency of the transport network, including providing for a range of transport modes;

c. The hierarchy of roads, travel demand or vehicle use; and

3. The compatibility with other activities provided for in the zone.

Note: Rule LCZ-R13 does not apply to new supermarkets or additions to existing supermarkets.

297. Foodstuffs [FS23.10] supports this requested change, whereas GWRC [FS84.104, FS84.107] opposes the submission and seeks that the rule is retained as notified. Waka Kotahi [FS103.32] also opposes the change.

Assessment

298. At paragraph 198 to 199 of Part 2 (Metropolitan Centre Zone) of this section 42A report, I discuss why I consider that a Discretionary activity status is appropriate for car-parking within the CMUZ and disagree that there should be an exemption for supermarkets.
299. For the same reasons, I consider that the comparable submission points [274.26, 274.57, 476.27, 476.28, 359.63] relating to LCZ-R13 should be rejected.

Summary of recommendations

300. HS4-P3-LCZ-Rec72: That LCZ-R13 (Car-parking activities) is confirmed as notified.

301. HS4-P3-LCZ-Rec73: That submission points relating to LCZ-R13 are accepted/rejected as detailed in Appendix B.

LCZ-R14 – Yard-based retailing activities (Pt 1 Sch 1)

Matters raised by submitters

302. Z Energy [361.39, 361.40] and BP Oil New Zealand, Mobil Oil New Zealand Limited and Z Energy Limited (the Fuel Companies) [372.149, 372.150] support LCZ-R14 in part, but seek the following amendment to the notification clause under the rule:

LCZ-R14 (Yard-based retailing activities)

Notification Status: An application for resource consent made in respect of rule LCZ-R14 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.

303. WCC Environmental Reference Group [377.475] is concerned that the Discretionary activity status will be unduly restrictive of activities such as small garden centres and hinder walkable neighbourhoods. They seek the following amendment or a tiered approach whereby some yard-based activities are permitted:

LCZ-R14 (Yard-based retailing activities)

1. Activity status: Restricted Discretionary

Matters of discretion are:

1. The matters in LCZ-P1, LCZ-P2, LCZ-P3 and LCZ-P4;

~~Notification status: An application for resource consent made in respect of rule LCZ-R15 must be publicly notified.~~

Assessment

304. For the reasons set out in paragraphs 205-206 of Part 2 (Metropolitan Centre Zone) I recommend that the submissions from Z Energy Limited [361.39, 361.40] and the Fuel Companies [372.149, 372.150] are accepted in part, with the exemption for existing activities added to LCZ-R14.
305. I disagree with the WCC Environmental Reference Group [377.475] request to amend the activity status under LCZ-R14. Given the wide range of yard-based activities that could occur, I am concerned that the full scope of environmental effects that these activities could generate is not known. As such, the matters at LCZ-P1 to LCZ-P4 may not adequately address the potential effects arising from these activities. I also note that LCZ-P4 identifies that yard-based activities are 'potentially incompatible' within the LCZ. As discussed elsewhere in this section 42A report, where an activity is potentially incompatible with the underlying zone, a Discretionary activity status is considered more appropriate. Conversely, yard-based activities are enabled in the MUZ and GIZ, as the PDP encouraged them to locate in these zones.

Summary of recommendations

306. HS4-P3-LCZ-Rec74: That LCZ-R14 (Yard-based retail activities) is amended as detailed at Appendix A and shown below:

MCZ-R16 (Yard-based retailing activities)

Notification Status: An application for resource consent made in respect of rule MCZ-R16 must be publicly notified except:

a. The activity relates to the maintenance, operation and upgrading of an existing activity.

307. HS4-P3-LCZ-Rec75: That submission points relating to LCZ-R14 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

308. In my opinion, the amendments to LCZ-R14 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- The change clarifies that the rule does not apply to existing activities, which would in any event be subject to s10 of the RMA.
 - The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
309. The recommended amendments will not have any greater environmental, social, economic or cultural effects than the notified provisions.

LCZ-R16 – Maintenance and repair of buildings and structures (ISPP)

Matters raised by submitters

310. FENZ, Restaurant Brands Limited and Kāinga Ora [273.268, 349.97, 391.590] support LCZ-R16 and seek that this is retained as notified.

Assessment

311. No further assessment is required.

Recommendation

312. HS4-P3-LCZ-Rec76: That LCZ-R16 (Maintenance and repair of buildings and structures) is confirmed as notified.
313. HS4-P3-LCZ-Rec77: That submission points relating to LCZ-R16 are accepted as detailed in Appendix B.

LCZ-R17 – Demolition of buildings and structures (ISPP)

Matters raised by submitters

314. FENZ and Restaurant Brands Limited [273.269, 349.98] support LCZ-R17 and seek that this is retained as notified.
315. GWRC [351.270, 351.271] supports the rule but seeks that LCZ-17.1 is amended to require that all demolition material is disposed of at an approved facility to achieve the Permitted activity status.
316. Kāinga Ora [391.591, 391.592] supports the rule but seeks that LCZ-17.1 is amended so it only applies to active and non-residential activity frontages as follows:

LCZ-R17.1 (Demolition or removal of buildings and structures)

1. Activity status: Permitted

Where:

a. The demolition or removal of a building on a site that has an active frontage or non-residential activity frontage:

...

317. Investore [405.67, 405.68] supports the intention of the rule, and supports the preclusion of public and limited notification, but has concerns that as notified it may constrain staged developments that require demolition and clearing of a larger site to enable development. They seek that the rule is amended to have a Restricted Discretionary activity status with a notification preclusion on the basis that this would provide greater certainty for development while ensuring that Council still retains appropriate discretion to ensure quality design outcomes.

Assessment

318. I disagree with the requested amendment relating to the disposal of building waste at approved facilities. Consistent with the recommendations in relation to Hearing Stream 2 (Residential Zones)²² and the CCZ, I consider that 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. Therefore, I recommend the GWRC submission points [351.270, 351.271] are rejected.
319. As detailed at paragraph 220 of Part 2 (Metropolitan Centre Zone) of this report the Discretionary activity status assists to deter the creation of vacant land, which can prevent development potential from being realised and adversely effects the vitality of a centre. As with the MCZ, I consider that it is important to deter the creation of vacant land within the LCZ. As such, I disagree with the changes requested by Investore [405.67, 405.68] and recommend that their submission points are rejected.
320. At paragraph 221 of Part 2 (Metropolitan Centre Zone) I advise that I disagree with Kāinga Ora that the Discretionary activity status would have the unintended consequence of constraining staged development. For the reasons detailed in this assessment, I recommend that the Kāinga Ora submission points with respect to the LCZ [391.591, 391.592] are rejected.

Summary of recommendations

321. HS4-P3-LCZ-Rec78: That LCZ-R17 (Demolition or removal of buildings and structures) is amended to reflect the minor amendment to the equivalent rule in the Waterfront Zone.
322. HS4-P3-LCZ-Rec79: That submission points relating to LCZ-R17 are accepted/rejected as detailed in Appendix B.

LCZ-R18 – Construction of, or additions and alterations to, buildings and structures (ISPP)

Matters raised by submitters

323. FENZ [273.270] supports LCZ-R18 and seeks that this is retained as notified.
324. Wellington City Council [266.155] (supported by the Retirement Villages Association [FS126.43] and Ryman [FS128.43]) is supportive of their rule but notes that a notification clause was omitted in the drafting and seeks that this is added as follows:

LCZ-R18.2 (Construction of, or additions and alterations to, buildings and structures)

Notification status:

An application for resource consent made in respect of rule LCZ-R18.2.a which complies with all standards is precluded from being either publicly or limited notified. (...)

²² [Plans, policies and bylaws - Hearing stream 2 - Wellington City Council](#)

325. McDonald's [274.28, 274.29] opposes the rule with respect to the requirement for a resource consent where additions and alterations change the exterior to the building above verandah level and are visible from public spaces, and consider that these works should be a Permitted activity where compliance with relevant standards is achieved. They argue that the rule as notified could result in a perverse outcome, whereby works to upgrade existing facades are not undertaken as consent is required. As such, they seek that LCZ-R18.1 is amended as follows:

LCZ-R18 (Construction of, or additions and alterations to, buildings and structures)

1. Activity status: Permitted

Where:

a. Any alterations or additions to a building or structure:

~~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 LCZ-S5; or~~

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

~~iv. Are not visible from public spaces; and~~

~~v. i. Comply with effects standards LCZ-S1, LCZ-S2, LCZS3, LCZ-S4, LCZ-S5 and LCZ-S6.~~

326. Woolworths [359.64, 359.65] seek changes to the rule to provide for supermarket activities:

LCZ-R18.1 (Construction of, or additions and alterations to, buildings and structures)

1. Activity status: Permitted

...

b. The construction of any building or structure:

i. Is not located on a site with an active frontage or non-residential activity frontage; or

ii. Is not visible from a public space; and

iii. Will have a gross floor area of less than 100m² except where specified in iv below;

iv. Will have a gross floor area of less than 2000m² where it accommodates a supermarket; and

[\[With consequential amendment to numbering of other matters below\]](#)

LCZ-R18.2 (Construction of, or additions and alterations to, buildings and structures)

2. Activity status: Restricted Discretionary

Where:

1. Compliance with any of the requirements of LCZ-R18.1 cannot be achieved.

Matters of discretion are:

1. The matters in LCZ-P6, LCZ-P7, LCZ-P8, LCZ-P9 and LCZ-P10; excluding for supermarkets exceeding LCZ-R18(b)(iv);

2. For supermarkets exceeding LCZ-R18(b)(iv), the matters in LCZ-P3, LCZ-P4, LCZ-P7, LCZ-P9;

~~3.~~ 3. The extent and effect of non-compliance with LCZ-S1, LCZ-S2, LCZ-S3, LCZ-S4, LCZ-S5, LCZ-S6, LCZ-S7, LCZ-S8, LCZ-S9, LCZ-S10 and LCZ-S11;

~~4.~~ 4. The Centres and Mixed-Use Design Guide, including guideline G107 97 - City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 25 or more residential units or is a non-residential building (excluding supermarkets);

[\[With consequential amendment to numbering of other matters below\]](#)

327. The Retirement Villages Association [350.244, 350.245] seek changes to provide for retirement village activities:

LCZ-R18 (Construction of, or additions and alterations to, buildings and structures)

2. Activity status: Restricted Discretionary

Where:

a. Compliance with any of the requirements of LCZ-R18.1 cannot be achieved.

Matters of discretion are:

1. The matters in LCZ-P6, LCZ-P7, LCZ-P8, LCZ-P9 and LCZ-P10 (this clause is not applicable to retirement villages);
2. The extent and effect of non-compliance with LCZ-S1, LCZ-S2, LCZ-S3, LCZ-S4, LCZ-S5, LCZ-S6, LCZ-S7, LCZ-S8, LCZ-S9, LCZ-S10 and LCZ-S11;
3. The Centres and Mixed-Use Design Guide, ~~including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height limit requirement at Ngaio, Berhampore and Aro Valley centres and either comprises 25 or more residential units or is a non-residential building~~ (this clause is not applicable to retirement villages);
4. The Residential Design Guide (this clause is not applicable to retirement villages);
5. The extent and effect of any identifiable site constraints;
6. Construction impacts on the transport network; ~~and~~
7. The availability and connection to existing or planned three waters infrastructure;
8. For retirement villages:
 - i. The effects of the retirement village on the safety of adjacent streets or public open spaces;
 - ii. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;
 - iii. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
 - iv. When assessing the matters in 2(a)(2), and 2(a)(8)(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.
 - v. 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 LCZ-R18.2.a that complies with LCZ-S3, LCZ-S7, LCZ-S8, LCZ-S9, LCZ-S10 and LCZ-S11 is precluded from being either publicly or limited notified.

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

An application for resource consent for a retirement village made in respect of rule LCZ-R18.2.a is precluded from being publicly notified.

An application for resource consent for a retirement village made in respect of rule LCZ-R18.2.b where compliance is achieved with LCZ-S1, LCZ-S2 and LCZ-S4 is precluded from being limited notified.

328. Kāinga Ora [391.593, 391.594] (supported by the Retirement Villages Association [FS126.43] and Ryman [FS128.43] with respect to removing the Design Guides from the rule framework) support the rule in part and in particular the notification clauses, seek the removal of references to residential activities in LCZ-R18.1 (as these are covered by the activity rules), and seek the removal of references to the Design Guides. Their requested changes are as follows:

LCZ-R18 (Construction of, or additions and alterations to, buildings and structures)

1. Activity status: Permitted

where:

a. Any alterations or additions to a building or structure:

...

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

[\[With consequential amendment to numbering of other matters below\]](#)

...

2. Activity status: Restricted Discretionary

where:

a. Compliance with any of the requirements of LCZ-R18.1 cannot be achieved.

Matters of discretion are:

1. The matters in LCZ-P6, LCZ-P7, LCZ-P8; and LCZ-P9 and LCZ-P10;

2. The extent and effect of non-compliance with LCZ-S1, LCZ-S2, LCZ-S3, LCZ-S4, LCZ-S5, LCZ-S6, LCZ-S7; and LCZ-S8, LCZ-S9, LCZ-S10 and LCZ-S11;

~~3. The Centres and Mixed-Use Design Guide, including guideline G107—City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 25 or more residential units or is a non-residential building;~~

~~4. The Residential Design Guide;~~

[\[With consequential amendment to numbering of other matters below\]](#)

329. Investore [405.69, 405.70] (supported by the Retirement Villages Association [FS126.87, 126.88] and Ryman [FS128.87, FS128.88] with respect to removing the Design Guides from the rule framework) also seeks the removal of references to the Design Guides in the rule framework.
330. Fabric Property Limited [425.53] and Restaurant Brands Limited [349.99] seek the deletion of LCZ-R18.2.3, which references the City Outcomes Contribution:

LCZ-R18.2 (Construction of, or additions and alterations to, buildings and structures)

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 limit requirement and either comprises 25 or more residential units or is a non-residential building;~~

[With consequential amendment to numbering of other matters of discretion]

Assessment

331. I accept the Council’s submission point [266.155] with respect to a drafting error and recommend that the non-notification clause is 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 (ie building depth, outlook) are appropriate within the zone. The non-notification clause also signifies to developers that additional consideration will be given to the effects on adjacent sites where buildings that exceed these standards. Hence I accept submission points 266.155 and further submission points from the Retirement Villages Association [FS126.243] and Ryman [FS128.243].
332. This change also addresses the submission points from Investore [405.118, FS405.119], Willis Bond [416.127] and Stride [470.50, 470.51] and associated further submissions, which I recommend be accepted.
333. For the reasons set out at paragraph 234 of Part 2 (Metropolitan Centre Zone) of this report, I reject the submission points from McDonald’s [274.28, 274.29] that seek a Permitted activity status for additions and alterations change the exterior to the building above verandah level and are visible from public spaces.
334. As detailed at paragraph 235 of Part 2 (Metropolitan Centre Zone), I consider that supermarket buildings should not be exempt from the requirement to provide high quality design outcomes that enhance the quality of the centre. As such, I recommend that the Woolworths submission points [359.64, 359.65] are rejected.
335. On the basis of the assessment and changes recommended in the Overview and General Matters section of this report, I recommend that the Retirement Villages Association submission point [350.244, 350.245] are rejected.
336. In relation to the submission points from Kāinga Ora, I refer to my assessment at paragraph 237 of Part 2 (Metropolitan Centre Zone). For the same reasons, I recommend that the Kāinga Ora submission points [391.593, 391.594] and associated further submission points from the Retirement Villages Association [FS126.43] and Ryman [FS128.43] are accepted in part.
337. The change recommended above also addresses the submission points from Restaurant Brands Limited [349.99] Investore [405.69, 405.70] and Fabric Property Limited [425.53]

insofar as direct references to Design Guides will be removed from LCZ-R18. I recommend these submission points are accepted in part.

Summary of recommendations

338. HS4-P3-LCZ-Rec80: That LCZ-R18 (Construction of, or additions and alterations to, buildings and structures) is amended as detailed at Appendix A and shown below:

<p>LCZ-R18 (Construction of, or additions and alterations to, buildings and structures)</p> <p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. Any <u>alterations</u> or additions to a <u>building</u> or <u>structure</u> that:</p> <ol style="list-style-type: none">Do not alter the external appearance of the <u>building</u> or <u>structure</u>; orRelate to a <u>building</u> frontage below verandah level, including entranceways and glazing and compliance with <u>LCZ-S5</u> is achieved; orDo not result in the creation of new <u>residential units</u>; andAre not visible from <u>public spaces</u>; andComply with standards <u>LCZ-S1</u>, <u>LCZ-S2</u>, <u>LCZ-S3</u>, <u>LCZ-S4</u>, <u>LCZ-S5</u> and <u>LCZ-S6</u>; <p>b. The construction of any <u>building</u> or <u>structure</u>:</p> <ol style="list-style-type: none">Is not located on a <u>site</u> with an <u>active frontage</u> or non-residential activity frontage; orIs not visible from <u>public space</u>; andWill have a <u>gross floor area</u> of less than 100m²; andWill result in a total coverage (together with other <u>buildings</u>) of no more than 20 percent of the <u>site</u>; andComply with standards <u>LCZ-S1</u>, <u>LCZ-S2</u>, <u>LCZ-S3</u>, <u>LCZ-S4</u>, <u>LCZ-S5</u> and <u>LCZ-S6</u>; andDoes not involve the construction of a new <u>building</u> for <u>residential activities</u>. <p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of <u>LCZ-R18.1</u> cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none">The matters in <u>LCZ-P6</u>, <u>LCZ-P7</u>, <u>LCZ-P8</u> and <u>LCZ-P9</u>;The extent and <u>effect</u> of non-compliance with <u>LCZ-S1</u>, <u>LCZ-S2</u>, <u>LCZ-S3</u>, <u>LCZ-S4</u>, <u>LCZ-S5</u>, <u>LCZ-S6</u>, <u>LCZ-S7</u>, <u>LCZ-S8</u>, <u>LCZ-S9</u>, <u>LCZ-S10</u> and <u>LCZ-S11</u>;City Outcomes Contribution as required in Appendix 16 The Centres and Mixed Use Design Guide, including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 25 or more residential units or is a non-residential building;The Residential Design Guide;3. The extent and <u>effect</u> of any identifiable <u>site</u> constraints;6. <u>4.</u> Construction impacts on the <u>transport network</u>; and7. <u>5.</u> The availability and connection to existing or planned <u>three waters infrastructure</u>. <p>Notification status:</p> <p><u>An application for resource consent made in respect of rule LCZ-R18.2.a that complies with all standards is precluded from being either publicly or limited notified.</u></p> <p>An application for resource consent made in respect of rule LCZ-R18.2 which complies with <u>LCZ-S3</u>, <u>LCZ-S7</u>, <u>LCZ-S8</u>, <u>LCZ-S9</u>, <u>LCZ-S10</u> and <u>LCZ-S11</u> is precluded from being either publicly or limited notified.</p> <p>An application for resource consent made in respect of rule LCZ-R18.2 which results from non-compliance with <u>LCZ-</u></p>
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339. HS4-P3-LCZ-Rec81: That submission points relating to LCZ-R18 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

340. In my opinion, the amendments to LCZ-R18 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The amendments give better effect to the NPS-UD directions, in particular Objective 1 with respect to well-functioning urban environments and Policies 2, 3 and 6 in terms of providing a balance between enabling development capacity in the LCZ whilst encouraging quality design and high quality living environments.
 - c. The changes provide for LCZ-R18 to be simplified. It removes the direct references to the Design Guides from the rule and avoids repetition in the assessment process.
 - d. This change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
341. The environmental, economic, social and cultural effects of the recommended amendments are no greater than the notified provisions.

LCZ-R19 – Conversion of buildings, or parts of buildings, for residential activities (Pt 1 Sch 1)

Matters raised by submitters

342. FENZ [273.271, 273.272] support the rule in part, but seek that this is amended as follows to include the necessity to connect to three waters infrastructure for firefighting purposes:

LCZ-R19 (Conversion of buildings or parts of buildings for residential activities)

Matters of discretion are:

1. The matters in LCZ-P1, LCZ-P3, LCZ-P6 and LCZ-P8
2. The extent of compliance with standards LCZ-S7, LCZ-S8 and LCZ-S9 and satisfaction of associated assessment criteria;
3. The Residential Design Guide; and
4. The availability and connection to existing or planned three waters infrastructure, including for firefighting purposes.

343. Kāinga Ora [391.595, 391.596] supports the rule in part and seeks that this is amended to remove direct references to the Residential Design Guide, on the basis that the matters in the relevant policies include those matters articulated through the design guide. They seek that the rule is amended as follows:

LCZ-R19 (Conversion of buildings or parts of buildings for residential activities)

1. Activity status: Restricted Discretionary

Matters of discretion are:

1. The matters in LCZ-P1, LCZ-P3, LCZ-P6, LCZ-P7 and LCZ-P8;
2. The extent of compliance with standards LCZ-S7, LCZ-P8 and LCZ-S9 and satisfaction of associated assessment criteria; and
- ~~3. The Residential Design Guide; and~~
43. The availability and connection to existing or planned three waters infrastructure.

Notification status: An application for resource consent made in respect of rule LCZ-R19.1 is precluded from being either publicly or limited notified.

344. Investore [405.71, 405.72] (supported in part by the Retirement Villages Association [FS126.89, FS126.90] and Ryman [FS126.89, FS126.90]) also seeks this change, on the basis that they consider the Design Guides should sit outside of the District Plan as reference documents and that the reference to the Residential Design Guide is replaced with matters of discretion that specify the design outcomes sought.

Assessment

345. I disagree with the submission points from FENZ [273.271, 273.272] on the basis that matters relating to fire-fighting servicing are provided for under the Building Code²³ and should not be duplicated in the District Plan. 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.
346. I accept the submissions from Kāinga Ora [391.595, 391.596] and Investore [405.71] and the further submissions [126.89, 126.90, 128.89, 126.90] requesting the removal of the reference to the RDG from LCZ-R19 in part. As discussed previously in this report, I recommend that MCZ-P8 is amended to refer to the RDG and not within the rule framework. This avoids duplication, given there is already a requirement to consider LCZ-P8 as a matter of discretion. I disagree with that part of these submissions seeking the addition of specific design outcomes to the rule given that these do not relate to residential amenity, which is the purpose of matter of discretion 3 in LCZ-R18.

Summary of recommendations

347. HS4-P3-LCZ-Rec82: That LCZ-R19 (Conversion of buildings, or parts of buildings, to residential activities) is amended as detailed at Appendix A and shown below:

²³ [C5 Access and safety for firefighting operations | Building Performance](#)

LCZ-R19 (Conversion of buildings, or parts of buildings, to residential activities)

1. Activity status: Restricted Discretionary

Matters of discretion are:

1. The matters in LCZ-P1, LCZ-P3, LCZ-SP6 and LCZ-P8;
2. The extent of compliance with standards LCZ-S7, LCZ-S8 and LCZ-S9 and satisfaction of associated assessment criteria; and
- ~~3. The Residential Design Guide; and~~
- ~~4.~~ 3. The availability and connection to existing or planned three waters infrastructure.

348. HS4-P3-LCZ-Rec83: That submission points relating to LCZ-R19 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

349. In my opinion, the amendments to LCZ-R19 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The removal of the reference to the Residential Design Guide as a matter of discretion aligns with other recommended changes and provides for a less complicated consenting framework that avoids repetition in the assessment process.
 - b. The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
350. The recommended amendments will not have any greater environmental, social, economic or cultural effects than the notified provisions.

LCZ-R20 – Outdoor storage areas (Pt 1 Sch 1)

Matters raised by submitters

351. WCC Environmental Reference Group [377.475] supports LCZ-R20 and seeks that this is retained as notified.
352. FENZ [273.273, 273.274] support the rule in part but seek that this is amended as follows to ensure that the screening will not obscure safety signage or obstruct access to emergency panels, hydrants, shut-off valves or other emergency response facilities:

LCZ-R20 (Outdoor storage areas)

Activity status: Permitted

Where:

- a. The storage area is screened by either a fence or landscaping of 1.8m in height from any adjoining road or site.
- 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

353. I agree that screening of outdoor storage areas should not obscure emergency or safety signage or obstruct access to emergency facilities and recommend that the submission points from FENZ [273.273, 273.274] are accepted.

Summary of recommendations

354. HS4-P3-LCZ-Rec84: That LCZ-R20 (Outdoor storage areas) is amended as detailed at Appendix A.
355. HS4-P3-LCZ-Rec85: That submission points relating to LCZ-R20 are accepted as detailed in Appendix B.

S32AA Evaluation

LCZ-S1 – Maximum height (ISPP)

Matters raised by submitters

356. James Coyle, Restaurant Brands Limited and Investore submitters [307.22, 349.100, 405.73] support LCZ-S1 and seek that this is retained as notified.
357. Rachel Underwood [458.10] opposes six storey development in the LCZ as she considers this will result in cold, sunless wind canyons. She seeks that buildings are restricted to low rise or one level adjacent to the roadside, with three storey (or six storey) buildings set back.
358. FENZ [273.275, 273.276] support the standard in part but seek an exemption for hose drying towers associated with emergency service facilities in order to appropriately provide for the operational requirements of FENZ. As these structures can be 12 to 15 metres in height they would potentially exceed the height limits in Height Control Area 1 and Height Control Area 2. They seek the following amendment:

LCZ-S1 (Maximum height)

This standard does not apply to:

...

c. 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.

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

e. Emergency service facilities up to 9m in height and hose drying towers up to 15m in height.

359. Kāinga Ora [391.597] (opposed by WCCT [FS82.105] and GWRC [FS84.42]) supports the standard in part, particularly as it enables six storey development in a number of centres, but seeks that Miramar, Newtown and Tawa are removed from Height Control Area 3 under LCZ-S1 and reassigned as Town Centre Zone.

360. Additionally, Kāinga Ora [391.598] (opposed by WCCT, GWRC, LIVE WELLington and Roland Sapsford [FS82.106, FS84.43, FS96.36, FS117.35]) seeks that the standard is amended as follows:

LCZ-S1 (Maximum height) as follows:	
1. Maximum Height limits above ground level of 22m must be complied with. The following maximum height limits above ground level must be complied with:	
Location	Limit
Height Control Area 1	
Newtown Local Centre Heritage Area	
Island Bay Local Centre Heritage Area	12 metres
Hataitai Local Centre Heritage Area	
Height Control Area 2	
Karori	18 metres
Height Control Area 3	
Brooklyn	
Churton Park	
Crofton Downs	
Island Bay	
Kelburn	
Khandallah	22 metres
Linden	
Miramar	
Newlands	
Hataitai	
Newtown	
Tawa	
2. Fences and standalone walls must not exceed a maximum height of 1.8 <u>2</u> metres (measured above ground level).	

361. The following submissions on LCZ-S1 seek amendments to the height limits attributed to specific centres:

- The Urban Activation Lab of Red Design Architects [420.13] considers that Newtown suburban centre area is suitable for intensification and that there are opportunities for heights in this zone to be increased, subject to a community-led masterplan being developed for Newtown. Historic Places Wellington Inc [FS111.60] supports this

submission point on the basis that they support *“the implementation of a sensible plan for revitalisation in Newtown heritage shopping area including provision of additional housing at scale, while also protecting the heritage shop frontages”*.

- Steve Dunn [288.9] considers that Newtown is suited to 3-4 storey housing along its transport spine and seeks that the LCZ provides for this.
- Ben Barrett [479.22] considers that Constable Street is not a major transport route, and that appropriate building planning is required along Constable Street, varying in height, with building heights reducing as the elevation of the road rises.
- David Stephen, Ian Law, Julie Patricia Ward, Brian McKenna, Pam Wilson, WCCT, Friends of Khandallah and Wilma Sherwin [82.8, 101.7, 103.9, 113.4, 120.8, 233.1, 233.2, 233.22, 233.23, 252.4, 252.5, 306.10, 306.11] seek that the maximum height limit in the Khandallah LCZ is reduced from 22 metres (ie Height Control Area 3), generally to 14 metres although the Friends of Khandallah [252.1, 252.5] request an 8 metre limit (in both the PDP and ODP).
- John L Morrison [28.1] seeks that Churton Park is removed from Height Control Area 3.
- Catherine Underwood [481.15, 481.28, 481.29] opposes the 22 metre height limit in Brooklyn. She seeks that 2 and 5 Todman Street and 28 Cleveland Street are removed from Height Control Area 3, and that the height limit is reduced to 14 metres on the south side of the road and 11 metres on the north side.
- The Greater Brooklyn Residents’ Association Incorporated [459.4, 459.5] also considers that the 22 metre height limit is inappropriate for the Brooklyn LCZ and for the sites at 2 and 5 Todman Street, and seeks a reduction. They seek that the height limit in Brooklyn is reduced to 14 metres on the southern side of Cleveland Street and 11 metres on the northern side of Cleveland Street. They seek that the heights at 2 and 5 Todman Street revert to the ODP 12 height limit.
- The Greater Brooklyn Residents’ Association Incorporated [459.5] also considers that the 22 metre height limit is inappropriate for the Kingston LCZ but have not requested a specific height.
- Catherine Underwood [481.30] also seeks that the height limit along Upland Road, Kelburn is reduced to 14 metres on the south side and 11 metres on the north side.
- Catherine Underwood [481.17, 481.31] seeks that the maximum height limit of 18 metres in Karori is increased to 22 metres. She is concerned that the 22 metre height limits in Brooklyn, Aro Village and Kelburn Village will increase development in these centres whereas Karori is better suited to this, and that there will be an adverse effect on these other centres as a consequence. She requests that, if the height in Karori is not increased to 22 metres, the height limits for these other centres are decreased to 18 metres.
- Geoff Upton [116.1] considers that there is an inconsistent approach to the height limits in Miramar, north of Miramar Avenue, and seeks that the same height area is applied to areas the same distance from the centre.

Assessment

362. Policies 3, 4 and 5, of the NPS-UD require that the Council provides for intensification by improving land use flexibility around areas of high demand – being areas with good access to jobs, community services and public transport. The Council has given effect to these policies by reducing development constraints around the CMUZ.

363. Policy 3 of the NPS-UD is as follows:

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
- (c) building heights of at least 6 storeys within at least a walkable catchment of the following:
 - (i) existing and planned rapid transit stops
 - (ii) the edge of city centre zones
 - (iii) the edge of metropolitan centre zones; and
- (d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.

364. In my view, policy 3(d) provides scope to consider whether a blanket application of the 22 metre height limit is appropriate for Wellington’s LCZ. As discussed earlier in this report, a wide range of existing centres have been zoned LCZ. This zoning reflects the existing levels of retail/commercial activities provided within the centres, the potential for intensification in and around the centres and the recommendations in the Sense Partners Report²⁴. However, my site visits have revealed that there is considerable difference in the scale of the different LCZ across the city. Notably, and as identified by Kāinga Ora, the Newtown, Tawa and Miramar centres are larger in scale and serve a wider catchment than the ‘village’ type centres in Khandallah, Ngaio and the like. They also provide a wider range of services.

365. As discussed at section 8.5 of the Overview and General Matters section of this report, I do not agree with Kāinga Ora that a TCZ should be added to the centres hierarchy. Given the LCZ and NCZ are generally permissive of the same activities, I consider that concerns raised in relation to the scale of the different LCZ can be addressed through amendments to LCZ-S1. As such, I recommend that the Kāinga Ora [391.598] request to apply a blanket 22 metre height limit across the LCZ is rejected, and consideration is given to reducing the height limit in the smaller LCZ and/or increasing the height limits in the larger centres.

366. In particular, I acknowledge that the characteristics of the Newtown and Tawa centres differ from those of the smaller centres. Notably, the Sense Partners Report identifies that if Newtown was combined with Adelaide Road, it would comprise the City’s third largest centre and could be considered a MCZ²⁵. As Adelaide Road has been rezoned CCZ this point is moot;

²⁴ [retail-and-market-assessment-november-2020.pdf \(wellington.govt.nz\)](#), pp109-116

²⁵ [retail-and-market-assessment-november-2020.pdf \(wellington.govt.nz\)](#), p113

however, it does demonstrate the scale and significance of Newtown within the centres hierarchy. Therefore, while I recommend that the rezoning requested by Kāinga Ora [391.597] is rejected, I recommend a new Height Control Area 4 is added at LCZ-S1 to provide further differentiation between the heights at different LCZ. An amended LCZ-S1 is provided in my Summary of Recommendations.

367. I have given further consideration to the height limits attributed to the smaller LCZ listed within Height Control Area 3 of LCZ-S1. The centres at Khandallah, Churton Park, Ngaio and Kelburn (and others) are smaller in area and have less existing built development. While these LCZ are on well-serviced public transport routes, the level of service is demonstrably less than that available to Newtown, Miramar and Tawa. Further, the larger centres provide access to a much greater range of commercial and public/community services than the smaller centres.
368. To acknowledge these differences, and noting that NPS-UD policy 3(d) only requires intensification around LCZ that is “*commensurate with the level of commercial activities and community services*”, I recommend that the height limits available to a selection of the smaller LCZ are reduced. As detailed in my Summary of Recommendations, I consider that the Khandallah and Kelburn Centres should be assigned to Height Control Area 2, with an 18 metre height limit. This will increase the development potential of the respective centres while assisting to maintain their existing scale and character.
369. My recommendations above take into account the submission points requesting rezoning and/or height increases at Newtown [including 288.9, 391.597, 420.13] and reductions at the Khandallah, Churton Park, Crofton Downs and Kelburn CMUZ [including 28.1, 82.8, 101.7, 103.9, 113.4, 120.8, 233.1, 233.2, 233.22, 233.23, 252.1, 252.4, 252.5, 306.10, 306.11, 458.10, 458.10, 481.30]. While submitters have requested lower heights – such as 14 metres or the ODP height limits, the NPS-UD establishes that the scale and nature of existing centres, and the level of amenity available within these centres, will change to accommodate growth. I consider that 18 metres provides a suitable balance between encouraging intensification in established centres and maintaining their existing scale.
370. I recommend that the height limit for the Brooklyn and Aro Street Centres remains at 22 metres height. The Brooklyn LCZ is on two well-serviced bus routes (No. 7 and No. 17) and is within walking distance of the CBD. I have given consideration to reducing the heights available to 2 and 5 Todman Street and 28 Cleveland Street to provide for a transition to the adjacent MRZ. These sites essentially bookend the centre and may be appropriate for taller buildings. Therefore, I consider the 22 metre height is appropriate and recommend that the submission points relating to Brooklyn [481.15, 481.28, 481.29, 459.4, 459.5] are rejected.
371. Also due to the accessibility, existing scale and level of services provided, I consider the 22 metre height limit applying to the Newlands and Island Bay Centres should be retained (albeit outside of the Island Bay Village Heritage Area).

372. My assessment in relation to the remaining submission points listed at paragraph 361 in relation to LCZ-S1 is as follows:
- a. Ben Barrett [479.22]: I disagree that Constable Street is not a major transport route, but regardless this street provides for a range of building heights – with the western end within the Newtown LCZ, the adjoining land zoned HRZ (21 metres), a small NCZ at the intersection with Owen Street (12 metres) and the eastern end of the road being MRZ (11 metres). Hence the request by the submitter is facilitated by the notified PDP. I consider these heights are appropriate and do not recommend any changes as a result of this submission point.
 - b. The Greater Brooklyn Residents’ Association Incorporated [459.5]: Kingston is a NCZ. Nevertheless, I have addressed this submission at paragraph 83(a) above. I do not recommend any changes as a result of this submission point.
 - c. Catherine Underwood [481.17, 481.31]: As detailed at paragraphs 90-91 of this report, the Karori LCZ has been assigned an 18 metre height limit as development is restricted by underlying infrastructure issues.
 - d. Geoff Upton [116.1]: This point relates to the MRZ land around the LCZ and has been addressed at Hearing Stream 2.
373. In line with Mr McCutcheon’s recommendation in relation to Hearing Stream 3 (Historic Heritage), I recommend that the height limit of the Newtown LCZ is increased to 18 metres. This is reflected in my Summary of Recommendations below. The reasons for this change are provided in Mr McCutcheon’s report²⁶.
374. Also in relation to LCZ-S1, the submission from FENZ [273.275, 273.276] seeks an exemption for emergency service facilities up to 9 metres in height and hose drying towers up to 15 metres. I note that these would only not be a permitted activity under LCZ-S1 if located in Height Control Area 1, which sets a height limit of 12 metres in the Newtown, Hataitai and Island Bay LCZ within the scheduled Heritage Areas²⁷. Given the heritage significance of these areas I consider that a resource consent is appropriate for structures that do not meet the height limit. I note that if the IHP adopts the recommendation of Mr McCutcheon with respect to the Newtown Heritage Area, then the 15 metre hose drying towers are only restricted in two locations. As the standard will only apply in limited circumstances, I do not consider it to be unduly onerous on the submitter.
375. For the reasons set out at paragraph 271 of Part 2 (Metropolitan Centre Zone), I disagree with the request from Kāinga Ora [391.598] for an increase to the height of a fence/standalone wall.

Summary of recommendations

376. HS4-P3-LCZ-Rec86: That LCZ-S1 (Maximum height) is amended as detailed below and at Appendix A.

²⁶ [S42A Hearing Stream 3 - Historic Heritage, Sites and Areas of Significance and Notable Trees \(wellington.govt.nz\)](#), para 565-568

²⁷ [Proposed District Plan - Wellington City Proposed District Plan](#)

LCZ-S1 (Maximum height) as follows:

1. The following maximum height limits above ground level must be complied with:

Location	Limit
Height Control Area 1	12 metres

~~Newtown Shopping Centre Heritage Area~~

Island Bay Local Centre Heritage Area

Hataitai Local Centre Heritage Area

Height Control Area 2	18 metres
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Karori

~~Kelburn~~

~~Khandallah~~

~~Newtown Local Centre Heritage Area~~

Height Control Area 3	22 metres
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Brooklyn

Churton Park

Crofton Downs

Island Bay

~~Kelburn~~

~~Khandallah~~

Linden

Miramar

Newlands

Hataitai

~~Newtown~~

~~Tawa~~

Height Control Area 4	27 metres
------------------------------	------------------

~~Newtown~~

~~Tawa~~

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

377. HS4-P3-LCZ-Rec87: That submission points relating to LCZ-S1 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

378. In my opinion, the amendments to LCZ-S1 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that

- a. The amendments give better effect to the NPS-UD directions, in particular Policy 3(a) with respect to maximising development capacity. This is in combination with Objective 1, which requires that councils provide well-functioning urban environments.
- b. The amendments are consistent with the LCZ objectives and policies and are the most effective ways of achieving the objectives of the District Plan.
- c. The changes recognise that different LCZ have difference localised characteristics and that enabling development capacity should not be 'at all cost', rather the local connections to a place enhance the quality of a centre and should be acknowledged.
- d. The change allows for greater consistency with other chapters of the District Plan.

379. The environmental, economic, social and cultural effects of the recommended amendments to LCZ-S1 are detailed below.

- | | |
|---------------|---|
| Environmental | <ul style="list-style-type: none">• Taller buildings facilitated by this change will have increased environmental effects such as visual effects (ie they are more visible) and shading effects. However, the context of the two sites where height changes are recommended are considered suitable for the additional height due to their location in relation to residentially zoned sites and/or the height limits available to the residential zone.• Enabling height within the centre increases opportunities for live and work in and around the centre, which can reduce car dependence and associated carbon emissions.• From a design perspective, additional height provides for design flexibility, with associated benefits to the public through improved design. |
| Economic | <ul style="list-style-type: none">• More enabling framework, this potentially simplifies resource consent requirements and costs as there is a clearer framework about what activities are enabled or not.• One economic constraint is that there will be increased demand on infrastructure. |
| Social | <ul style="list-style-type: none">• Social benefits are improved vitality within and around the centre, through the creation of centres where people can work, recreate and live.• Social costs would be through loss of privacy and outlook within the zone and at adjacent sites. This is managed through the development standards. |
| Cultural | <ul style="list-style-type: none">• No direct or indirect cultural costs have been identified• No direct or indirect cultural benefits have been identified. |

LCZ-S2 – Minimum building height (ISPP)

Matters raised by submitters

380. Kāinga Ora [391.599] (opposed by Onslow Residents Community Association [FS80.11] and GWRC [FS84.40]) supports LCZ-S2 and seeks that this is retained as notified.
381. The Ciampa Family Trust [165.2] seek that the standard is amended to clarify whether it applies to all buildings or only those adjoining/addressing the street, but have not requested any specific wording.
382. McDonald's, Restaurant Brands Limited, Woolworths and Foodstuffs [274.30, 349.101, 359.66, 476.29 (supported by Foodstuffs [FS23.44, FS23.11])] oppose the standard and seek that it is deleted in its entirety.

Assessment

383. The LCZ seeks to enable increased development in all centres to achieve the intent of the NPS-UD and achieve the intent of policy 3(d) or the NPS-UD and high quality design outcomes. Therefore, while I acknowledge the submissions in opposition to the LCZ-S2, I consider that this standard is appropriate as it encourages the realisation of additional development potential within the zone. On this basis, I consider that the standard should continue to apply.
384. With respect to the submission from the Ciampa Family Trust [165.2], I note that LCZ-S2 applies to all buildings within the NCZ as the purpose of the standard is to ensure that suitable development potential within the zone is realised. I do not recommend any changes as a result of this submission point.
385. For the reasons set out above, I recommend that the submission point from Kāinga Ora [391.599] should be accepted and submission points [274.30, 349.101, 359.66, 476.29, FS80.11, FS84.40, FS23.44, FS23.11] should be rejected.
386. Further to the submission points above, I note that I have recommended a change to MCZ-S2 to clarify that the standard does not apply to accessory buildings and any building or structure that is unable to be occupied by buildings. For the reasons set out at paragraph 282 of Part 2 (Metropolitan Centre Zone) I recommend this change is also applied to LCZ-S2, as set out in my summary of recommendations below.

Summary of recommendations

387. HS4-P3-LCZ-Rec88: That LCZ-S2 (Minimum building height) is amended as detailed in Appendix A and below:

LCZ-S2 (Minimum building height)

1. A minimum height of 7m is required for:
 - a. New buildings or structures; and
 - b. Additions to the frontages of existing buildings and structures.

This standard does not apply to:

1. Accessory buildings, ancillary to the primary activity on the site.
2. Any building or structure that is unable to be occupied by people.

388. HS4-P3-LCZ-Rec89: That submission points relating to LCZ-S2 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

389. In my opinion, the amendment to LCZ-S2 is more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The change will provide developers/applicants and resource consent planners with clarity as to when the standard applies.
 - b. The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
390. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified District Plan provisions.

LCZ-S3 – Minimum ground floor height (ISPP)

Matters raised by submitters

391. Kāinga Ora [391.600] supports LCZ-S3 and seeks that this is retained as notified.
392. The Ciampa Family Trust [165.2] seek that the standard is amended to clarify that the standard only applies to buildings adjoining/addressing the street as it would not be necessary for rear buildings, but have not requested any specific wording.
393. McDonald's, Restaurant Brands Limited and Foodstuffs [274.31, 349.102 (supported by Foodstuffs [FS23.45]) and 476.30] oppose the standard and seek that it is deleted in its entirety.

Assessment

394. The purpose of LCZ-S3 is to ensure that the development potential of sites in the LCZ is realised, noting that the NPS-UD directs the Council to enabled intensification in the zone. I consider that the standard is appropriate as it prevents underdevelopment of sites and facilitates high quality design outcomes. Therefore I recommend that the submission points from McDonald's, Restaurant Brands Limited and Foodstuffs [274.31, 349.102, FS23.45, 476.30] are rejected.

395. With respect to the submission from the Ciampa Family Trust [165.2], I note that LCZ-S3 applies to the ground floor of all buildings within the zone. The intent of the standard is to ensure that buildings are adaptable for different uses over time. As such, I do not recommend any changes in relation to this submission point.

Summary of recommendations

396. HS4-P3-LCZ-Rec90: That LCZ-S3 (Minimum ground floor height) is confirmed as notified.
397. HS4-P3-LCZ-Rec91: That submission points relating to LCZ-S3 are accepted/rejected as detailed in Appendix B.

LCZ-S4 – Height in relation to boundary (ISPP)

Matters raised by submitters

398. Restaurant Brands Limited [349.103] supports LCZ-S4 and seeks that this is retained as notified.
399. FENZ [273.277, 273.278] support the standard in part but seek that this is amended as follows to provide an exemption for emergency facilities and associated hose-drying towers:

LCZ-S4 (Height in relation to boundary)

This standard does not apply to:

...

c. Solar power and heating components attached to a building provided these do not exceed the height in relation to boundary by more than 500mm; ~~and~~

d. Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the height in relation to boundary by more than 3m measured vertically; and

e. Emergency service facilities up to 9m in height and hose drying towers up to 15m in height.

400. Steve Dunn [288.11] and Cheryl Robilliard [409.6] consider that the building height at 42A Riddiford Street should be consistent with the ODP and seek that the height in relation to boundary calculation at this site be taken at the street frontage or allow a building at the frontage only.
401. Kāinga Ora [391.601, 391.602] supports LCZ-S4 in part, but consider that amendments are needed to align with the changes they seek in relation to LCZ-S1.

Assessment

402. Given the generous building heights in the LCZ, I consider that LCZ-S4 should be retained as notified to ensure ongoing access to sunlight/daylight to sites within adjoining zones.

403. For the same reasons as detailed at paragraph 374 above, I recommend that FENZ submission points [273.277, 273.278] requesting an exemption for emergency service facilities up to 9 metres in height and hose drying towers up to 15 metres are rejected.
404. Steve Dunn [288.11] and Cheryl Robilliard [409.6] consider that the building height at 42A Riddiford Street should be consistent with the ODP and seek that the height in relation to boundary calculation at this site be taken at the street frontage or allow a building at the frontage only. The basis for this submission is that 42A Riddiford Street is subject to a 9 metre height under the ODP, which would prevent the construction of a taller building that would shade or dominate its neighbours. While I acknowledge that such effects would occur if a tall building was built at 42A Riddiford Street, the ODP heights were put in place prior to the NPS-UD which requires the council to maximise the development potential of land in centres such as Newtown. This site is not located within the LCZ and it would be incongruous to provide a lower building height in this location. Therefore I recommend the submission points are rejected.
405. Kāinga Ora has requested a blanket 22 metre height to apply across all LCZ at LCZ-S1. As such, they seek that LCZ-S4 is amended to reflect this change. The nature of these amendments has not been clearly outlined in their submission, nor have compelling reasons for the change or a supporting section 32AA evaluation been supplied. Noting that I have recommended that the LCZ heights at LCZ-S1 are generally retained as notified, with no blanket height applied, I disagree with the relief sought by Kāinga Ora in relation to LCZ-S4 [391.601, 391.602].

Summary of recommendations

406. HS4-P3-LCZ-Rec92: That LCZ-S4 (Height in relation to boundary) is confirmed as notified.
407. HS4-P3-LCZ-Rec93: That submission points relating to LCZ-S4 are accepted/rejected as detailed in Appendix B.

LCZ-S5 – Verandah control (ISPP)

Matters raised by submitters

408. Restaurant Brands Limited [349.104] supports LCZ-S5 and seeks that this is retained as notified.
409. McDonald's [274.32] opposes the standard in part, seeking an exemption for the site at 190 Riddiford Street, Newtown from the requirement to provide a verandah.
410. Z Energy [361.41, 361.42, 361.43, 361.44] supports the standard in part and seeks that this is amended so that sites with operational and functional needs that prevent the installation of verandahs (ie service stations) are exempt from this requirement. They propose the following options:

LCZ-S5 (Verandah control)

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

...

- 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.

Assessment

- 411. The site at 190 Riddiford Street, Newtown contains an established McDonald's restaurant. I note that the existing restaurant does not provide a verandah, nor is it required to as it retains existing use rights under section 10 of the RMA. The submitter has not made a compelling argument as to why future development/re-development of this site should not be subject to the verandah requirement. In my view, then providing a verandah is potentially appropriate for the benefits this provides to the public environment and the owner of the site should be subject to a resource consent process if they choose not to do so. Additionally, I would caution against allowing exemptions to the standard on a site-by-site basis. I therefore recommend submission point [274.32] is rejected.
- 412. As shown in the photograph, the existing building at 190 Riddiford Street is partially set back from the site's boundary with the street and partially built up to this frontage. In terms of the existing building, existing use rights would apply and no verandah cover is necessary. If McDonald's was to redevelop the site then I see no reason why verandah cover should not at least be considered, as the purpose of this is to provide high quality amenity in the pedestrian environment. Through the resource consent process an exemption could be considered, for example if this was balanced with high quality design. However, to provide the site with an

exemption would reduce the opportunity for a good public amenity outcome to be achieved. As such, I reject the submission point.

413. I accept the submission by Z Energy [361.41, 361.42, 361.43, 361.44] 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. I am concerned that if the clauses suggested at Option A or Option C were included in the standard they would create uncertainty for both applicants and consent planners, in that any applicant could argue they have functional and operational needs that mean they should be exempt from providing a verandah. This could become a matter of contention in the consenting process and cause delays, as well as lost opportunities to achieve verandah cover within the LCZ.
414. Given that the nature of service stations is to have a building set back from the road (or in fact no building), with an open forecourt, I consider that Option B [361.43] is acceptable. As service stations are dispersed throughout the city, the exemption would only apply in limited circumstances within any particular LCZ.

Summary of recommendations

415. HS4-P3-LCZ-Rec94: That LCZ-S5 (Verandah control) is amended to provide an exemption for service stations, as shown below and at Appendix A.

LCZ-S5 (Verandah control)

...

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.

416. HS4-P3-LCZ-Rec95: That submission points relating to LCZ-S5 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

417. In my opinion, the amendment to LCZ-S5 is more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The change will enable service station buildings to be constructed in a way that reflects their specific needs.
 - b. The change will provide developers/applicants and resource consent planners with additional clarity as to when the standard applies.
 - c. The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.

418. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

LCZ-S6 – Active frontage and non-residential activity frontage controls (ISPP)

Matters raised by submitters

419. Restaurant Brands Limited [349.105] (opposed by Foodstuffs [FS23.46]) supports LCZ-S6 and seeks that this is retained as notified.

420. Kāinga Ora [391.603] considers that LCZ-S6 should be amended so that active frontage controls only apply where necessary, such as along principal/arterial roads or along the street edge, and that active frontage controls on streets and buildings where these matters do not apply should be deleted.

421. Z Energy [361.45, 361.46] support the standard in part for its intent, but seeks an amendment as follows to recognise situations where functional requirements which necessitate site design where verandahs and buildings on boundaries cannot be achieved, such as service stations:

LCZ-S6 (Active frontage and non-residential activity frontage controls)

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;

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

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.

...

4. Any new building or addition to an existing building on a site with a non-residential activity 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.

b. 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.

422. Investore [405.74, 405.75] also support the intent of the standard, but considers that it provides insufficient exceptions for functional requirements such as vehicle entrances. They seek the following amendment to LCZ-S6.1.a:

LCZ-S6.1.a (Active frontage and non-residential activity frontage controls)

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

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

...

423. Woolworths [359.67, 359.68] (opposed in part by Foodstuffs [FS23.12, FS23.13]) support the Restricted Discretionary activity status to infringe the active frontage standards of MCZ-S6, NCZ-S6 and LCZ-S6 but note that supermarkets are unlikely to comply with these standards in any circumstance. While Woolworths acknowledges that the assessment criteria associated with the standard enable the consideration of those operational and functional needs, they note that the standard represents another circumstance whereby consents would always be required for supermarkets, despite supposedly being encouraged within the relevant CMUZ. As such, they request the following amendment:

LCZ-S6 (Active frontage and non-residential activity frontage controls)

1. Any new building or addition to an existing building (excluding new supermarkets or additions to an existing supermarket) on an identified street with an active frontage 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 ground level addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that:~~

~~a. Is more than 3 metres wide; and~~

~~b. Extends from a height of 1m above ground level to a maximum height of 2.5m;~~

3. Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building on a site located on an identified street with an active frontage must be at least 50% visually transparent; and

4. Any new building or addition to an existing building (excluding new supermarkets or additions to an existing supermarket) on a site with a non-residential activity frontage control must:

....

424. Foodstuffs [476.31, 476.32] (opposed by the Retirement Villages Association [FS126.45, FS128.46] and Ryman [FS128.45, FS128.46]) oppose LCZ-S6 in part and seek the following change:

Amend LCZ-S6 (Active frontage and non-residential activity frontage controls)

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 or a non-residential activity frontage control 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:

a) Is more than 4.3 metres wide; and

b) Extends from a height of 1m above ground level to a maximum height of 2.5m; and

c) Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent.

~~3. Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent; and~~

4. Any new building or addition to an existing building on a site with a nonresidential activity 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; and~~

~~b. Locate the principal public entrance on the front boundary.~~

425. McDonald's [274.33, 274.34] (opposed by the Retirement Villages Association [FS126.179] and Ryman [FS128.179]) oppose the standard in part and seek the following amendments to reflect that centres and commercial areas have a mixture of typologies:

LCZ-S6 (Active frontage and non-residential activity frontage controls)

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 or a non-residential activity frontage control 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:

a. Is more than 4 metres wide; and

b. Extends from a height of 1m above ground level to a maximum height of 2.5m; and

c. Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent.

~~3. Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent; and~~

~~4. Any new building or addition to an existing building on a site with a non-residential activity frontage control must:~~

~~a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary; and~~

~~b. Locate the principal public entrance on the front boundary.~~

Assessment

426. I agree with Kāinga Ora that LCZ-S6 active frontage controls only apply where necessary. This is reflected in the name of the standard, which only applies to ‘an identified street with an active frontage’ and/or a ‘non-residential frontage’. Prior to notification of the PDP the Council determined which streets should be identified as identified frontages (generally being the frontages identified in ODP maps 46, 47, 48, 49, 49A-49E). As such, no change to the standard is required and I recommend that the Kāinga Ora submission point [391.680] is rejected.

427. Consistent with my assessment at paragraph 317 of Part 2 (Metropolitan Centre Zone). I agree with Z Energy’s that there will be functional and operational requirements where buildings will need to be set back from the street, particularly for service stations which typically have a forecourt for the sale of petrol with a smaller building located to the rear/centre of the site. However, given the purpose of the standard is to encourage high levels of interaction between the private and public environment, I consider that it is appropriate that building that do not meet the requirements of the standard are subject to a resource consent. This allows the Council to undertake an urban design assessment and work with the developer to provide a high quality building, within the constraints imposed by the activity the building provides for. I therefore recommend that the submitter’s request for an exemption [361.46] is rejected.

428. Likewise, I disagree with the change requested by Investore [405.74, 405.75]. LCZ-S6 seeks to discourage site access points along active and non-residential frontages. As such, developers will be expected to design access points to the rear of a site or along frontages where this standard does not apply. While there will be sites that do not have alternative frontages, to ensure high quality building design it is appropriate that such buildings are subject to a resource consent where the reduced active/non-residential frontage is assessed to ensure effects on the vibrancy of the centre are minimised.
429. With respect to the Woolworths submission points [359.67, 359.68] (opposed in part by Foodstuffs [FS23.12, FS23.13]), I refer to my assessment paragraph 319 of Part 2 (Metropolitan Centre Zone). I acknowledge that new supermarkets in the LCZ will likely need resource consent; however, I consider this is appropriate as it enables the Council to undertake a design assessment of the building (so as to ensure a positive outcome for the public environment). Therefore, in line with my recommendation in relation to MCZ-R20, I recommend that the change requested by Woolworths [359.67, 359.68] is rejected. I also recommend that the further submissions from Foodstuffs [FS23.12, FS23.13] in partial support of the Woolworths submission are rejected.
430. Foodstuffs [476.31, 476.32] (opposed by the Retirement Villages Association [FS126.45, FS128.46] and Ryman [FS128.45, FS128.46]) seek a number of amendments to the standard. For the reasons set out at paragraph 320 of Part 2 (Metropolitan Centre Zone), I recommend that these changes are rejected. Notably:
- The submitter has not provided compelling reasons for the proposed amendments, which replicate the ODP approach.
 - The suggested change to LCZ-S6.1 in particular is less clear than the current wording.
 - The intent of the requirement at LCZ-S6.2.a that blank facades do not exceed 3 metres, noting that in some circumstances a 4 metre facade would cover the entirety of a shop frontage and consider this would be a negative outcome for the vibrancy of any centre.
431. McDonald's [274.33, 274.34] (opposed by the Retirement Villages Association [FS126.179] and Ryman [FS128.179]) seeks changes in line with those sought by Woolworths. For the reasons outlined above, I disagree with the relief sought and recommend that these submission points are rejected.

Summary of recommendations

432. HS4-P3-LCZ-Rec96: That LCZ-S6 (Active frontage and non-residential activity frontage controls) is to be consistent with CCZ-Rec112.
433. HS4-P3-LCZ-Rec97: That submission points relating to LCZ-S6 are accepted/rejected as detailed in Appendix B.

LCZ-S7 – Minimum residential unit size (ISPP)

Matters raised by submitters

434. Kāinga Ora [391.604, 391.605] supports LCZ-S7 in part, but seeks that this is amended to remove the minimum standard for 2+ bedroom units, so as to enable greater design flexibility

and decrease the minimum floor area for studio units. They seek the standard is amended as follows:

LCZ-S7 (Minimum residential unit size)	
Residential units, including dual key units must meet the following minimum sizes:	
Residential unit type	Minimum net floor area
a. Studio unit	305m ²
b. 1 or more bedroom unit	40m ²
c. 2+ bedroom unit	55m ²

Assessment

435. I refer to my assessment at paragraphs 328-331 of Part 2 (Metropolitan Centre Zone) where I recommend that the minimum residential unit sizes are retained as notified. For the same reasons, and noting this aligns with Mr Patterson’s recommendations with respect to the MRZ and HRZ, I recommend that the submission points from Kāinga Ora [391.604, 391.605] are rejected.

Summary of recommendations

436. HS4-P3-LCZ-Rec98: That LCZ-S7 (Minimum residential unit size) is confirmed as notified.
437. HS4-P3-LCZ-Rec99: That submission points relating to LCZ-S6 are rejected as detailed in Appendix B.

LCZ-S8 – Residential – outdoor living space (ISPP)

Matters raised by submitters

438. The Retirement Villages Association [350.246, 350.247] opposes LCZ-S8 in part, and seeks an exemption for retirement villages.
439. Kāinga Ora [391.606, 391.607] supports the standard in part, but is opposed to requiring communal outdoor living space in addition to private outdoor living space. In their view, the standard as notified is not clear as to whether communal outdoor living space is required in addition to, or as an alternative to private outdoor living space. They seek that the standard is amended with one of the following options:

LCZ-S8 (Residential – outdoor living space)

Option A

Clarify that communal outdoor living space is not required but can be provided as an alternative to private outdoor living space; or

Option B - Amend as follows:

...

3. Where communal outdoor living space is provided it does not need to be in a single continuous space but it must be:

...

- c. Free of buildings, parking spaces, and servicing and manoeuvring areas.

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 units	10m ²	8m

Assessment

440. I disagree with the Retirement Villages Association [350.246, 350.247] that there should be an exemption from the requirement to provide outdoor living space for retirement villages, as this will ensure high quality amenity for the villages' occupants. If the standard is not met a resource consent for this non-compliance can be obtained, subject to the developer showing that the occupants will be provided suitable on-site amenity for their specific needs. Further commentary in relation to retirement villages is provided in the Overview and General Matters section of this s42A report.
441. With respect to the Kāinga Ora [391.606, 391.607] assertion that the standard is ambiguous with respect to whether private or communal space should be provided, I note that the intent is that either of these options is available to a developer, or a combination of the two. However, as detailed below, I recommend a number of changes to the standard that will provide clarity as to how the standard applies.
442. Further to this, I refer to paragraphs 341 to 343 of Part 2 (Metropolitan Centre Zone) of this report, where I recommend that the outdoor living space standard is amended to align with the recommended changes to the residential (HRZ and MRZ) open space provisions. As such, I recommend the following change:

LCZ-S8: Outdoor living space for multi-unit housing

- a. 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;
- b. Where private outdoor living space is provided it must be:
 - a. For the exclusive use of residents;
 - b. Directly accessible from a habitable room;
 - c. A single contiguous space; and
 - d. Of the minimum area and dimension specified in the table below;
- c. Where communal outdoor living space is provided it does not need to be in a single continuous space but it must be:
 - 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.

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 m ²	8m
ii. For each additional unit above 15 units	2m ²	=
<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>		

- 443. The same issue arises in the LCZ with respect to the lack of clarity in the standard. As such, I recommend that the changes above are replicated in the LCZ as shown in my summary of recommendations below.
- 444. This recommendation is a consequential change that results from a recommended change in relation to the residential and MCZ provisions.
- 445. Additional minor changes are required with respect to the numbering within the table, which currently lists both private and communal open space as 'a', and the spelling of the word manoeuvring.

Summary of recommendations

- 446. HS4-P3-LCZ-Rec100: That LCZ-S8 (Residential – outdoor living space) is amended to align with the changes to the residential zones, as shown at Appendix A and in the text box below.

LCZ-S8: Residential - outdoor living space

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:
 - a. For the exclusive use of residents;
 - b. Directly accessible from a habitable room;
 - c. A single contiguous space; and
 - d. Of the minimum area and dimension specified in the table below;
3. Where communal outdoor living space is provided it does not need to be in a single continuous space but it must be:
 - 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~~ manoeuvring areas.

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 <u>4 – 15</u> units	1064 <u>2m²</u>	8m
ii. <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>		

447. HS4-P3-LCZ-Rec101: That submission points relating to LCZ-S8 are rejected as detailed in Appendix B.

S32AA Evaluation

448. In my opinion, the amendment to LCZ-S8 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:

- a. The change to the standard will provide clarity as to how the standard is to be applied.
- b. The change aligns with recommendations with respect to the residential zones and other CMUZ.
- c. The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.

449. There are no environmental, economic, social and cultural effects associated with the recommended amendments to LCZ-S8, which is essentially clarification of the rule as drafted.

LCZ-S9 – Minimum outlook space for multi-unit housing (ISPP)

Matters raised by submitters

450. Kāinga Ora [391.608] opposes LCZ-S9 on the basis that it sets a standard that may not be possible to meet for dwellings that would otherwise provide a decent standard of living, and seeks that this is deleted in its entirety.

Assessment

451. For the reasons set out at paragraph 350 of Part 2 (Metropolitan Centre Zone), I do not agree with Kāinga Ora [391.608] that LCZ-S9 should be deleted.

Summary of recommendations

452. HS4-P3-LCZ-Rec102: That LCZ-S9 (Minimum outlook space for multi-unit housing) is confirmed as notified.
453. HS4-P3-LCZ-Rec103: That the submission point relating to LCZ-S9 is rejected as detailed in Appendix B.

LCZ-S10 – Minimum building separation distance (ISPP)

Matters raised by submitters

454. The Retirement Villages Association [350.248, 350.249] opposes LCZ-S10 as notified and seeks that this is amended to include an exemption for retirement villages.
455. Kāinga Ora [390.609] opposes the standard on the basis that it will constrain design flexibility, and seeks that it is deleted in its entirety.

Assessment

456. For the reasons set out at paragraph 355 of Part 2 (Metropolitan Centre Zone), I recommend that the Retirement Villages Association submission points [350.248, 350.249] are rejected.
457. With respect to the Kāinga Ora [390.609] submission point I refer to my assessment at paragraph 356 of Part 2 of this report (Metropolitan Centre Zone). For the same reasons, I recommend that LCZ-S10 is retained as notified and that this submission point is rejected.

Summary of recommendations

458. HS4-P3-LCZ-Rec104: That LCZ-S10 (Minimum building separation distance) is confirmed as notified.
459. HS4-P3-LCZ-Rec105: That submission points relating to LCZ-S10 are accepted/rejected as detailed in Appendix B.

LCZ-S11 – Maximum building depth (ISPP)

Matters raised by submitters

460. Restaurant Brands Limited [349.106] (opposed by Foodstuffs [FS23.74]) supports LCZ-S11 and seeks that this is retained as notified.
461. In addition to Foodstuffs [496.93], Kāinga Ora [391.610] seeks that LCZ-S11 is deleted in its entirety. Both submitters consider that the standard will impose unnecessary development constraints.
462. The Retirement Villages Association [350.250, 350.251] opposes LCZ-S11 as notified and seeks that this is amended to include an exemption for retirement villages.
463. Woolworths [359.69] considers that the standard should be amended on the basis that buildings that exceed the maximum depth standard may be required to meet operational and functional requirements. To provide for this, they seek the following amendment:

LCZ-S11 (Maximum building depth) as follows:

Assessment criteria where the standard is infringed:

1. The extent to which the design mitigates the effect of a long featureless building elevation; ~~and~~
2. Dominance, privacy and shading effects on adjoining sites; and
3. The extent to which any non-compliance is necessary to provide for the functional needs or operational needs of a proposed activity.

Assessment

464. For the reasons set out at paragraph 363 of Part 2 (Metropolitan Centre Zone), I recommend that the Retirement Villages Association submission points [350.250, 350.251] are rejected.
465. I do not agree with the submitters in opposition (Foodstuffs [496.83], Kāinga Ora [391.557]) that LCZ-S11 should be deleted in its entirety. The building depth standard is intended to work in conjunction with the building separation standard to provide privacy for residential occupants of a LCZ site; however, where the separation standard applies only to residential buildings, the depth standard applies to all buildings. This means that the standard, as written, would limit the size of all buildings in the LCZ. I consider that this is an error in the PDP and that the standard should be amended to clarify that it only applies to residential development.
466. My recommended amendment to the standard will also address the change requested by Woolworths [359.83] as it will clarify that this only applies to residential buildings. I therefore recommend that this submission point is rejected.

Summary of recommendations

467. HS4-P3-LCZ-Rec106: That LCZ-S11 (Maximum building depth) is amended as shown below and at Appendix A:

LCZ-S11 (Maximum building depth) as follows:

Any new building or additions to existing buildings used for residential activities must not result in the continuous depth of any external side wall being greater than 25m, as shown in Diagram 14 below.

...

468. HS4-P3-LCZ-Rec107: That submission points relating to LCZ-S11 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

469. In my opinion, the amendment to LCZ-S11 is more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- The change clarifies how the standard applies.
 - The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
470. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions

7.0 Proposed Additional Local Centre Zone Provisions

Matters raised by submitters

471. The Retirement Villages Association [350.229 - 350.232] seeks a new policy that supports retirement villages within the LCZ. They request the following policy be added to the District Plan:

LCZ-PX

Provision of housing for an ageing population

1. Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in [add] zone, such as retirement villages.

2. Recognise the functional and operational needs of retirement villages, including that they:

a. May require greater density than the planned urban built character to enable efficient provision of services.

b. Have unique layout and internal amenity needs to cater for the requirements of residents as they age.

Changing communities

To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the Local Centre Zone will change over time to enable a variety of housing types with a mix of densities.

Larger sites

Recognise the intensification opportunities provided by larger sites within the Local Centre Zone by providing for more efficient use of those sites.

472. The Retirement Villages Association [350.240] acknowledges that shading, privacy, bulk and dominance effects on LCZ sites adjacent to residential zones require management, but seeks policy direction that specifies that the level of management is informed by the development expectations for the zone. They request the following policy be added to the District Plan:

LCZ-PX Role of density standards

Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.

473. The Retirement Villages Association [350.233 – 350.234] seeks a new rule that enables retirement villages as a permitted activity within the LCZ. In addition, they oppose limitations on residential activities at ground floor level within the LCZ [350.243]. They request the following Permitted Activity rule be added to the District Plan:

LCZ-RX Retirement Villages

Provision of housing for an ageing population

1. Activity Status: Permitted

474. As noted previously, Ryman [346.3] also seeks a fit for purpose retirement village framework that recognises the unique needs of retirement villages, compared to other residential typologies.

475. Kāinga Ora [391.561] seeks a new rule to allow for the conversion of buildings, or parts of buildings, for residential activities as a Permitted Activity in the LCZ on the basis that residential activities are an appropriate activity within this zone and the effects can be controlled through the LCZ standards. They seek the following new rule:

LCZ-RX Conversion of buildings, or parts of buildings, for residential activities

1. Activity status: Permitted

where:

a. The conversion of Buildings, or parts of buildings for Residential activities:

i. Do not alter the external appearance of the building or structure; and

ii. Complies with LCZ-S7, LCZ-S8 and LCZ-S9.

476. Similarly, the Retirement Villages Association [350.243] opposes any limitations on ground level residential activities within the LCZ. As noted, they seek a separate rule specific to retirement villages.

477. Kiwirail [408.126] considers that building setbacks are essential to address significant safety hazards associated with the operational rail corridor and has requested a 5m boundary setback from the rail corridor for all buildings and structures in the LCZ, and that the rail

corridor be recognised as a qualifying matter in relevant non-residential zones in accordance with section 77(1)(o) of the RMA.

478. They have requested the following rule:

LCZ-RX Boundary setbacks

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

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

Matters of discretion:

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

479. Kāinga Ora [FS89.37] opposes this request on the basis that a considerably reduced setback would provide adequate space for maintenance activities, thereby achieving the requirements of Kiwirail while balancing the cost to landowners.

Assessment

480. As discussed in the Overview and General Matters section of this report, retirement villages are considered to be residential activities. Hence no specific rule framework is required, as the residential activities rule, and associated building rules and standards apply. Recommendations with respect to the policies and rules are provided at paragraph xx Overview and General Matters section of this report. As such, no further assessment of the submission points 350.229 - 350.232, 350.233 – 350.234 is required in this report. I recommend that these submissions are accepted in part. This also applies to the Ryman submission point [346.3].

481. With respect to the Retirement Villages Association request for a new policy relating to the role of density standards [350.240] I refer to paragraph 376 of Part 2 (Metropolitan Centre Zone). For the same reasons, I recommend that this submission point is rejected.

482. As recommended for the MCZ, I recommend that the submission point from Kiwirail [408.128] is accepted in part, and a new standard be inserted requiring a 1.5 metre setback from the rail corridor for all buildings and structures in the LCZ. A corresponding matter of discretion should be added to LCZ-R18. These changes are also detailed in my summary of recommendations below and at Appendix A (LCZ).

Summary of recommendations

483. HS4-P3-LCZ-Rec108: That any new provisions set out at HS4-Overview-Rec31 to HS4-Overview-Rec36 applicable to the Local Centre Zone are incorporated into the District Plan.

484. HS4-P3-LCZ-Rec109: That submission points requesting new LCZ provisions are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

485. In my opinion, the changes set out above are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The proposed setback standard will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs;
 - b. The new provisions recommended above are more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
 - c. The changes allow for greater consistency with policy direction in other zones, specifically other CMUZ.
486. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

8.0 Minor and Inconsequential Amendments

487. 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.
488. Within this report minor and consequential amendments have been identified under the provisions that they relate to. For example within specific provisions renumbering may be required with respect matters of discretion, assessment criteria and the like.
489. In a number of instances the changes result from similar changes recommended across the CMUZ chapters. These changes are recommended so the District Plan reads in an integrated manner.

9.0 Conclusion

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

10.0 Recommendations

493. I recommend that:

- i. The District Plan is amended in accordance with the changes recommended in Appendix A of this report; and
- ii. The Independent Hearing Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report.

Appendix 1 – Amended Maps relating to the Local Centre Zone

- i. Proposed Height Control Area Changes for Baroda St, Khandallah
- ii. Proposed Height Control Area Changes for Khandallah LCZ
- iii. Proposed Height Control Area Changes for Newtown LCZ
- iv. Proposed Height Control Area Changes for Tawa LCZ
- v. Proposed Zone and Height Control Changes for Elena Place, Tawa



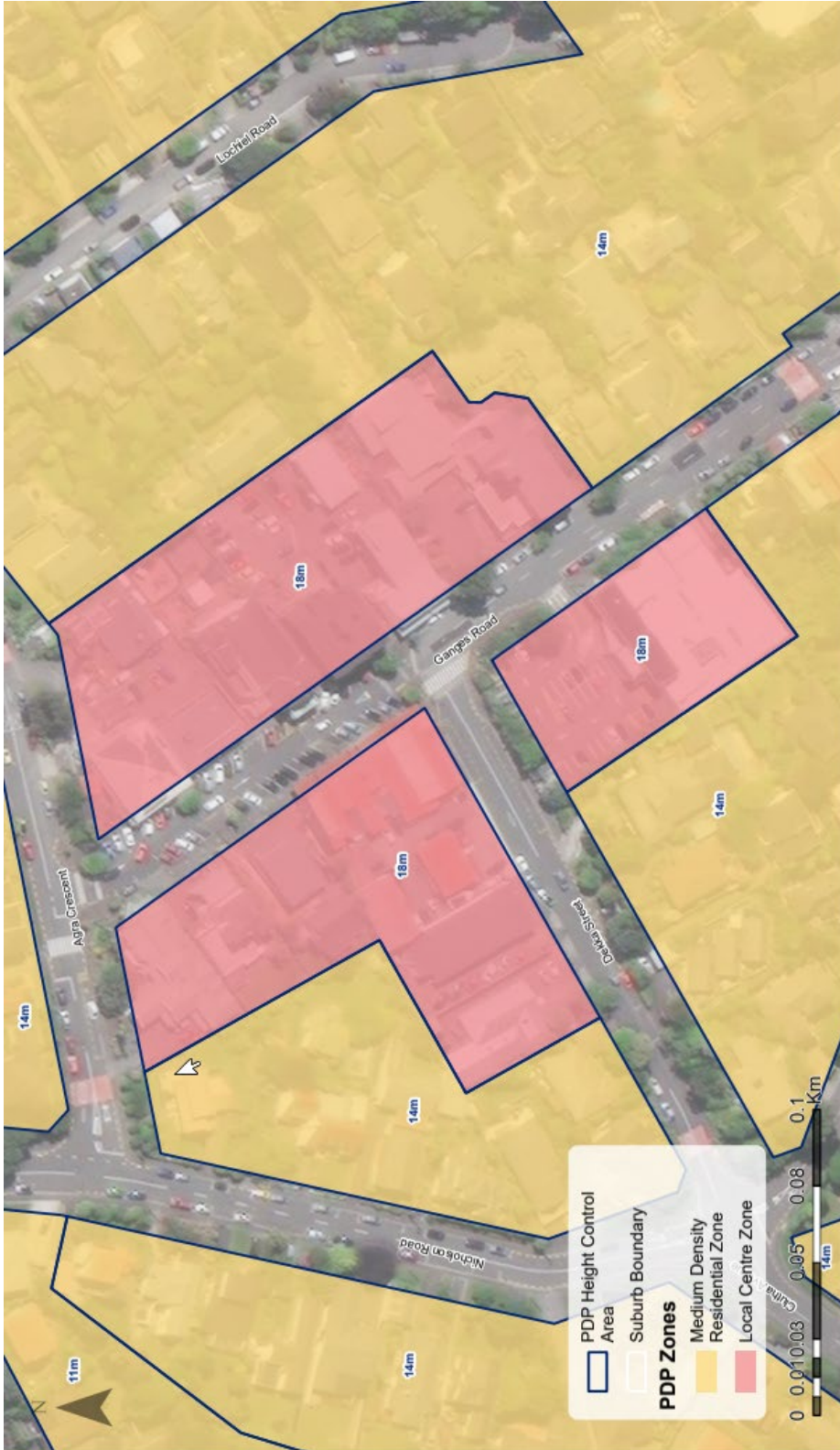
Proposed Height Control Area Changes for Baroda St, Khandallah

This map shows the proposed height control changes for the Baroda Street Local Centre Zone (LCZ). It is proposed that the LCZ changes to a Neighbourhood Centre Zone (NCZ) and the height changes from 22m to 12m.

Basemap credits: Esri Community Maps Contributors, LINZ, Stats NZ, Esri, HERE, Garmin, Foursquare, METI/ NASA, USGS, LINZ

Date: 23/05/2023
 Contact: District.Plan@wcc.govt.nz

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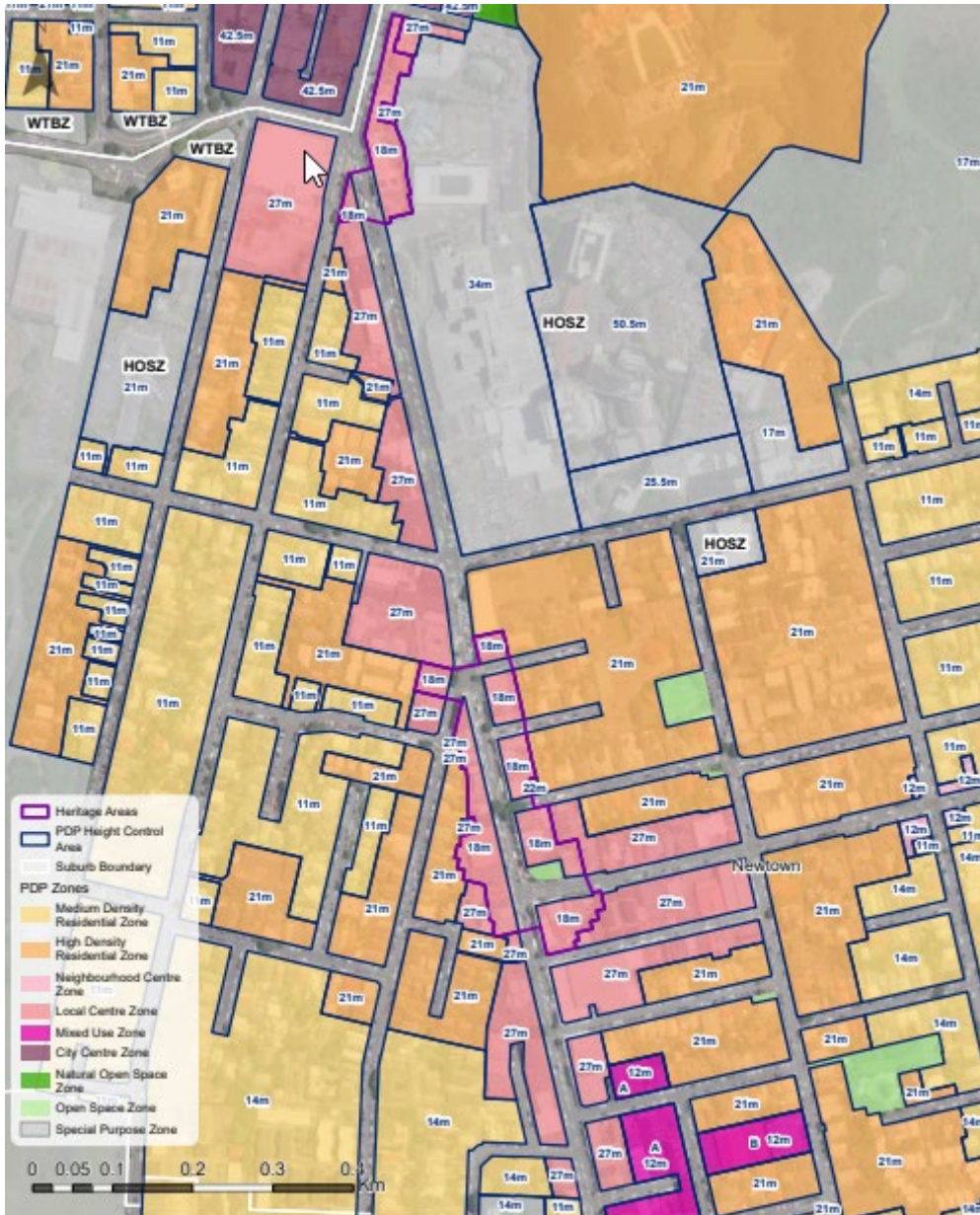
Proposed Height Control Area Changes for Khandallah LCZ

This map shows the proposed height control changes for the Khandallah Local Centre Zone (LCZ). It is proposed that Height Control Area 3 be changed to Height Control Area 2, and the control height change from 22m to 18m.

Basemap credits: Esri Community Maps Contributors, LINZ, Stats NZ, Esri, HERE, Garmin, Foursquare, METI/NASA, USGS, LINZ

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Proposed Height Control Area Changes for Newtown LCZ

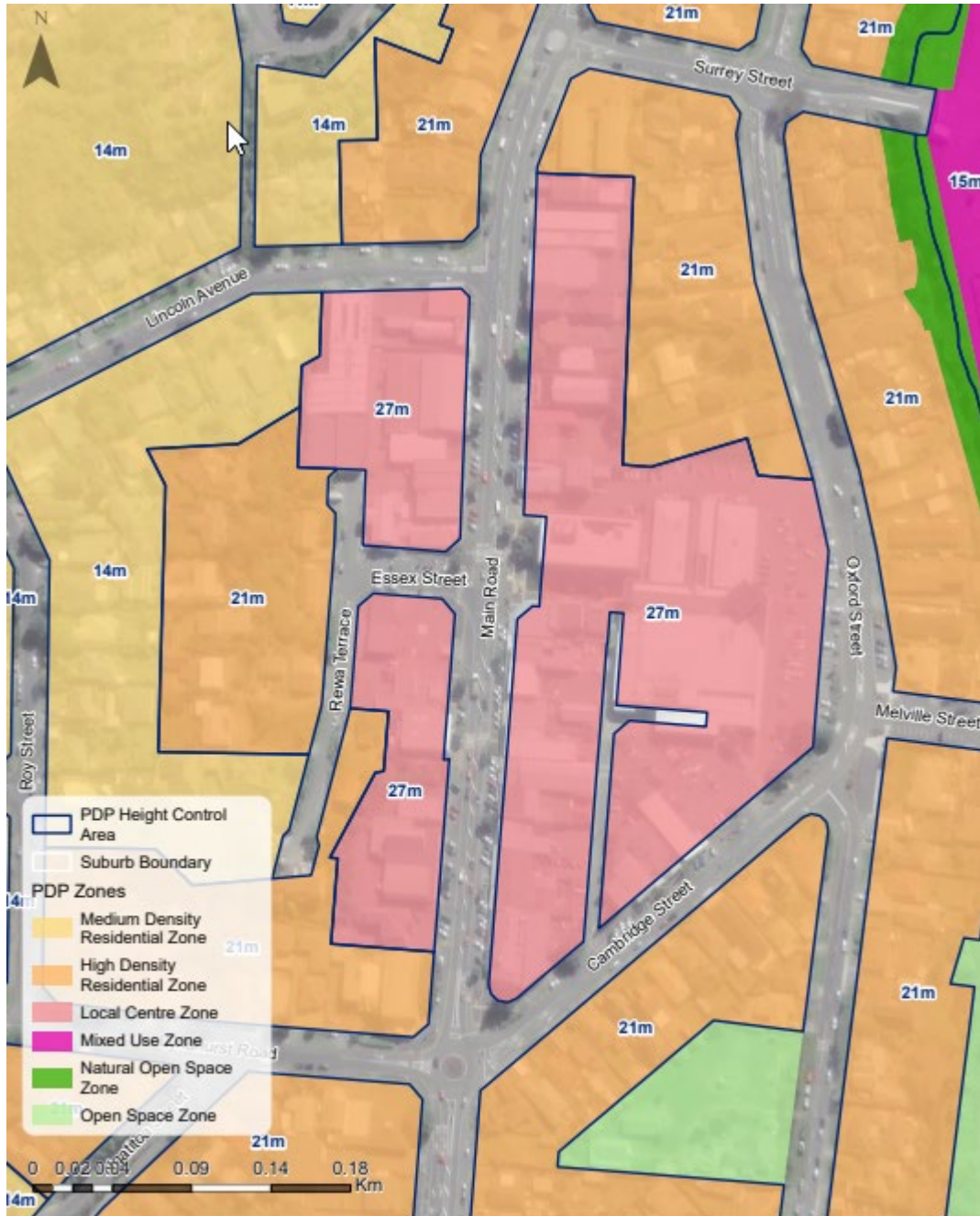
This map shows the proposed height control changes for the Newtown Local Centre Zones (LCZ). It is proposed that the LCZ height outside of the heritage areas be changed from 22m to 27m, and that the LCZ height inside heritage areas be changed from 12m to 18m.

Basemap credits: Esri Community Maps Contributors, LINZ, Stats NZ, Esri, HERE, Garmin, Foursquare, METV, NASA, USGS, Maxar

Date: 23/05/2023
Contact: District.Plan@wcc.govt.nz

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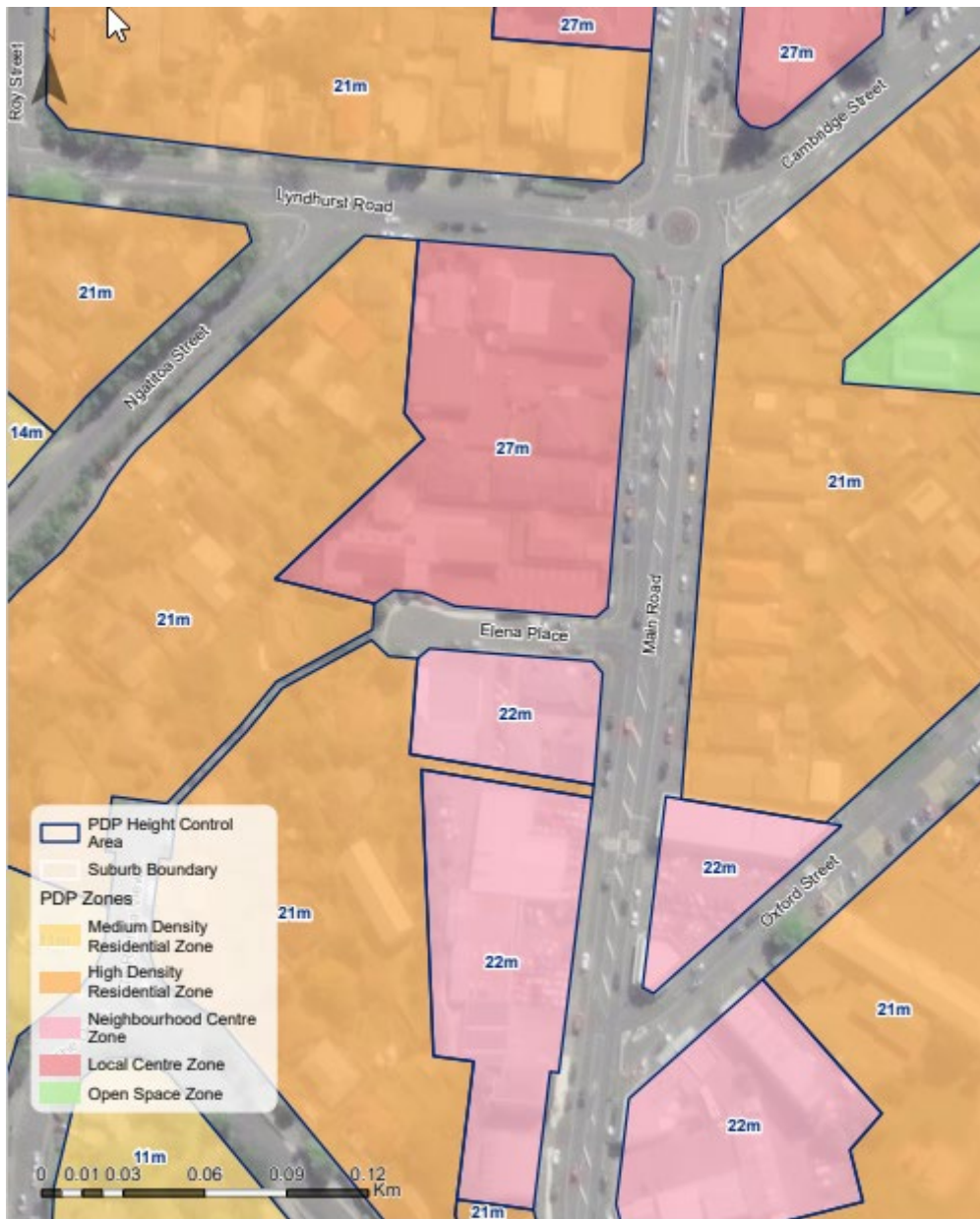
Proposed Height Control Area Changes for Tawa LCZ

This map shows the proposed height control changes for the Tawa Local Centre Zones (LCZ). It is proposed that the height control changes from 22m to 27m.

Date: 23/05/2023
 Contact: District.Plan@wcc.govt.nz

Basemap credits: Esri Community Maps Contributors, LINZ, Stats NZ, Esri, HERE, Garmin, Foursquare, METI/ NASA, USGS, LINZ, Porirua City Council

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Proposed Zone and Height Control Changes for Elena Place, Tawa

This map shows the proposed zone changes for Elena Place, High Density Residential Zones (HRZ). It is proposed that the properties to the north change from HRZ to Local Centre Zone (LCZ) and to the south change from HRZ to Neighbourhood Centre Zone (NCZ). The new LCZ height control is changed from 21m to 27m, and the new NCZ height control is changed from 21m to 22m.

Basemap credits: Esri Community Maps Contributors, LINZ, Stats NZ, Esri, HERE, Garmin, Foursquare, METI/ NASA, USGS, LINZ

Date: 24/05/2023

Contact: District.Plan@wcc.govt.nz

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