

Wellington City Proposed District Plan

Hearing Stream 4

Part 3 - Commercial and Mixed Use Zones

Part 5: Mixed Use Zone

Section 42A of the Resource Management Act

Contents

| | | |
|-----|---|-----|
| 1.0 | Overview | 3 |
| 2.0 | Format for Consideration of Submissions | 3 |
| 3.0 | General Points Relating to the Mixed Use Zone..... | 4 |
| 4.0 | Submissions Relating to Mixed Use Zoning..... | 7 |
| 5.0 | Submissions Relating to Specific Mixed Use Zone Provisions..... | 12 |
| 6.0 | Proposed Additional Mixed Use Zone Provisions..... | 59 |
| 7.0 | Minor and Inconsequential Amendments | 64 |
| 8.0 | Conclusion | 64 |
| 9.0 | Recommendations..... | 655 |

Mixed Use Zone Appendix 1 - Maps

- i. Proposed Zone Changes for 10 Surrey Street
- ii. Proposed Height Control Area Changes for William Earp Place

Part 3: Mixed Use Zone

1.0 Overview

1. This section of the s42A report for the Part 5 – CMUZ addresses the Mixed Use Zone (MUZ) provisions¹. The entirety of the MUZ is being considered under Part 1 Schedule 1 of the Act.
2. The Mixed Use Zone has been applied to sites zoned Business Area 1 in the ODP.
3. The Strategic Direction objective CEKP-O3, Introduction to the MUZ chapter and MUZ-O1 set out the purpose of the zone, which is to:
 - Complement the hierarchy of Centres;
 - Provide for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities; and
 - Provide areas where people can live, work, play and conduct business, but with fewer day-to-day conveniences than other centres within the hierarchy (excluding COMZ).
4. Including primary and further submission points, and mapping submission points, there were approximately 240 submission points in relation to the MUZ.
5. These submissions are categorised and assessed as follows:
 - General points relating to the MUZ
 - Submissions relating to zoning
 - Submissions relating to specific MUZ provisions
 - Proposed additional MUZ provisions
6. This report should be read in conjunction with the information in the following appendices:
 - Appendix A – Recommended Amendments to the CMUZ chapters (MUZ).
 - Appendix B – Recommended Responses to Submissions and Further Submissions on the CMUZ chapters (MUZ).

2.0 Format for Consideration of Submissions

7. For each identified topic, the consideration of submissions has been undertaken in the following format:
 - Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations.
8. 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.
9. 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.

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

10. I note that there were no submissions in relation to MUZ-R2, MUZ-R4, MUZ-R7, MUZ-R8, MUZ-R9 and MUZ-R11. These provisions are now beyond challenge and are not assessed further in this report.
11. Submissions received in relation to the following provisions were all in support, and seek that the respective provisions are retained as notified:
 - Objectives: MUZ-O1, MUZ-O3, MUZ-O5
 - Policies: MUZ-P4, MUZ-P7
 - Rules: MUZ-R3, MUZ-R5
12. 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 Mixed Use Zone

Definitions

Matters raised by submitters

13. Corrections [240.42] considers that the definition of ‘residential activities’ captures supported and transitional accommodation activities in the MUZ such as those that Corrections provides for and supports the definition.

Assessment

14. I agree with the relationship between the identified definitions addressed in the submission of Corrections. I note that Mr McCutcheon, in his Right of Reply for Hearing Stream 1², has recommended that the definition of ‘supported residential care’ activity be removed from the PDP.

Summary of recommendations

15. HS4-P5-MUZ-Rec1: That no changes to the Mixed Use Zone provisions are made as a result of the submission on the ‘residential activities’ definition.
16. HS4-P5-MUZ-Rec2: That the submission point relating to ‘Definitions’ are accepted as detailed in Appendix B.

General Submission Points in Support of the Mixed Use Zone

Matters raised by submitters

17. Waka Kotahi [370.403], Z Energy Limited [361.47] and Wellington City Youth Council [201.31] seeks that the MUZ is retained as notified.
18. Z Energy Limited [361.3] supports the MUZ of their sites 16-18 Main Road, Tawa (Z Tawa), 27 Miramar Avenue, Miramar (Z Miramar) and 208 Hutt Road, Kaiwharawhara (Caltex Old Hutt Road) and seeks that the zoning is retained as notified.

² [Council Officers right of reply - Hearing stream 1 \(wellington.govt.nz\)](https://www.wellington.govt.nz/council-officers-right-of-reply-hearing-stream-1)

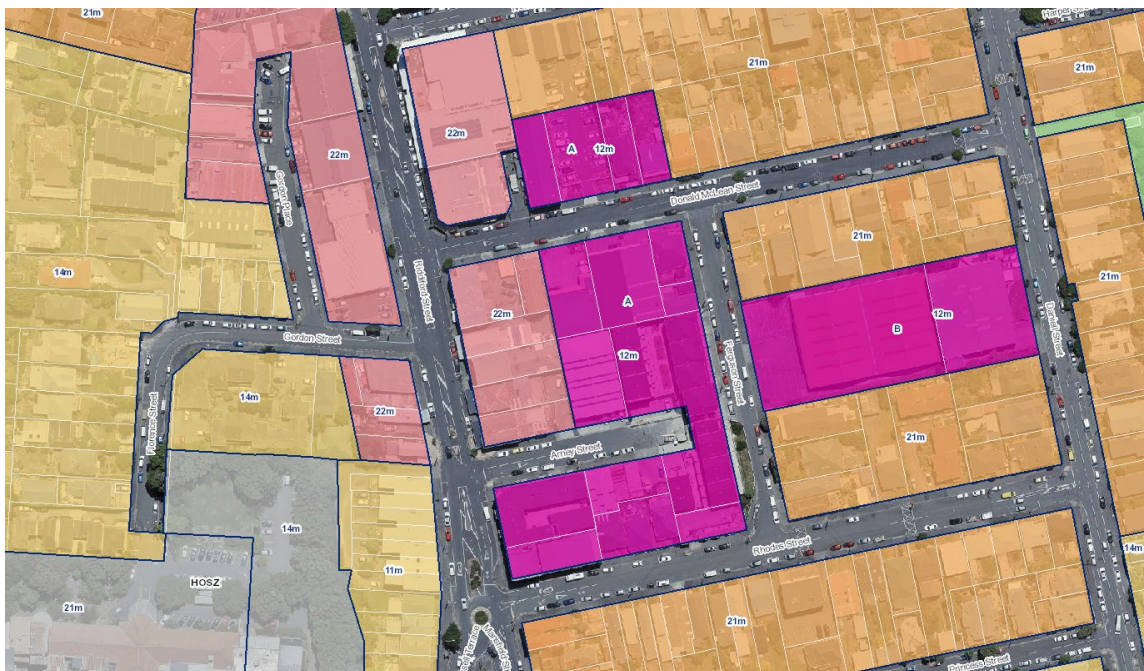
Summary of recommendations

19. HS4-P5-MUZ-Rec3: That no changes to the Mixed Use Zone provisions are made as a result of general submissions in support of the Mixed Use Zone.
20. HS4-P5-MUZ-Rec4: That submission points relating to 'General Matters Raised by Submitters' are accepted as detailed in Appendix B.

General submissions not in support of the Mixed Use Zone

Matters raised by submitters

21. Michael O'Rourke [194.16] accepts that some areas of Newtown, primarily those already zoned as MUZ, are suitable for high density housing (while for the most part being concerned about housing intensification in Newtown).
22. The MUZ in Newtown is shown below:



PDP Zoning – Newtown

23. Simon Ross [37.1, 37.7, 37.8, 37.9] considers that MUZ are much too sparse and too small and seeks that mixed use be enabled wherever development over three storeys is allowed and all corner sites in residential areas allow mixed use. He also seeks that mixed use is enabled around the Johnsonville Line stations.
24. Wellington Tenth's Trust [363.4] notes that development in the MUZ needs to be of a nature and scale that supports the social, cultural and economic importance of the City Centre Zone and other CMUZ. The submitter seeks to amend the MUZ to provide for potential future development opportunities in relation to their specific site.

25. Miriam Moore [433.16] considers that the MUZ land in Tawa is the best place for targeted intensification of residential development, and notes it would be great to see this incentivised for that purpose.

Assessment

26. Mr O'Rourke's concerns primarily relate to the housing intensification. He accepts that there is scope for high density residential development in the MUZ and considers that this should 'also be high density residential'. Only one zone is applied to most PDP sites, however, the PDP allows for high density housing within the MUZ where above ground level. No changes to the PDP are recommended in relation to submission point 194.16.
27. I acknowledge Mr Ross's concerns in relation to the number of MUZ across Wellington and their size. It is not clear whether Mr Ross is aware that mixed use activities are not limited to the MUZ and, depending on the underlying zoning, are in fact enabled in the locations Mr Ross refers to (ie buildings over three storeys, corner sites and around railway stations). While mixed use activities are not 'Permitted Activities' in all zones, nor are they prevented from occurring. In residential zones a mixed use (non-residential) activity such as a commercial, retail or office-based activity will typically require a resource consent. As such, in the absence of specific detail where and in which zones it is considered the PDP is too restrictive, I consider that no changes to the PDP are necessary in relation to submission points [37.1, 37.7, 37.8, 37.9].
28. It is not clear exactly what relief is sought from Wellington Tenth Trust [363.4] in relation to their site. The MUZ enables a range of activities as set out in MUZ-P2, which are considered to enable future development opportunities.
29. Regarding the submission point from Miriam Moore [433.16], it is noted that residential development is provided for through a permitted activity status where the activity is located above the ground floor in the MUZ. MUZ-S2 enables additional building height through a resource consent process, including where a building contains residential units. I do not consider changes to the PDP are necessary as a result of this submission point.
30. Mr Wilson [453.4] has not specified the reasons for his opposition to the provisions applying to the Tawa Railway Station or any particular relief sought. It appears his submission is primarily related to the walkable catchments and density enabled around railway stations. These matters were matters addressed at Hearing Stream 1. No changes to the MUZ provisions are recommended as a result of this submission.

Summary of recommendations

31. HS4-P5-MUZ-Rec5: That no changes to the Mixed Use Zone provisions are made as a result of general submissions on the MUZ.
32. HS4-P5-MUZ-Rec6: That submission points relating to 'General submissions on the Mixed Use Zone' are accepted/rejected as detailed in Appendix B.

Alignment with other zones

Matters raised by submitters

33. Willis Bond [416.96] seeks that the Council consider the relationship between the MRZ and other denser zones, including the MCZ, MUZ, 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

34. As noted at paragraph 125 of the Overview and General Matters section of this report, the PDP intends that the CMUZ enable greater development potential and a wider range of activities than the surrounding residential zones. This is generally the case with the MUZ. Further consideration of the heights attributed to the different MUZ is provided in my assessment of MUZ-S1 at paragraphs 206 to 212 of this report. No changes to the PDP are necessary as a result of the Willis Bond submission point [416.96].

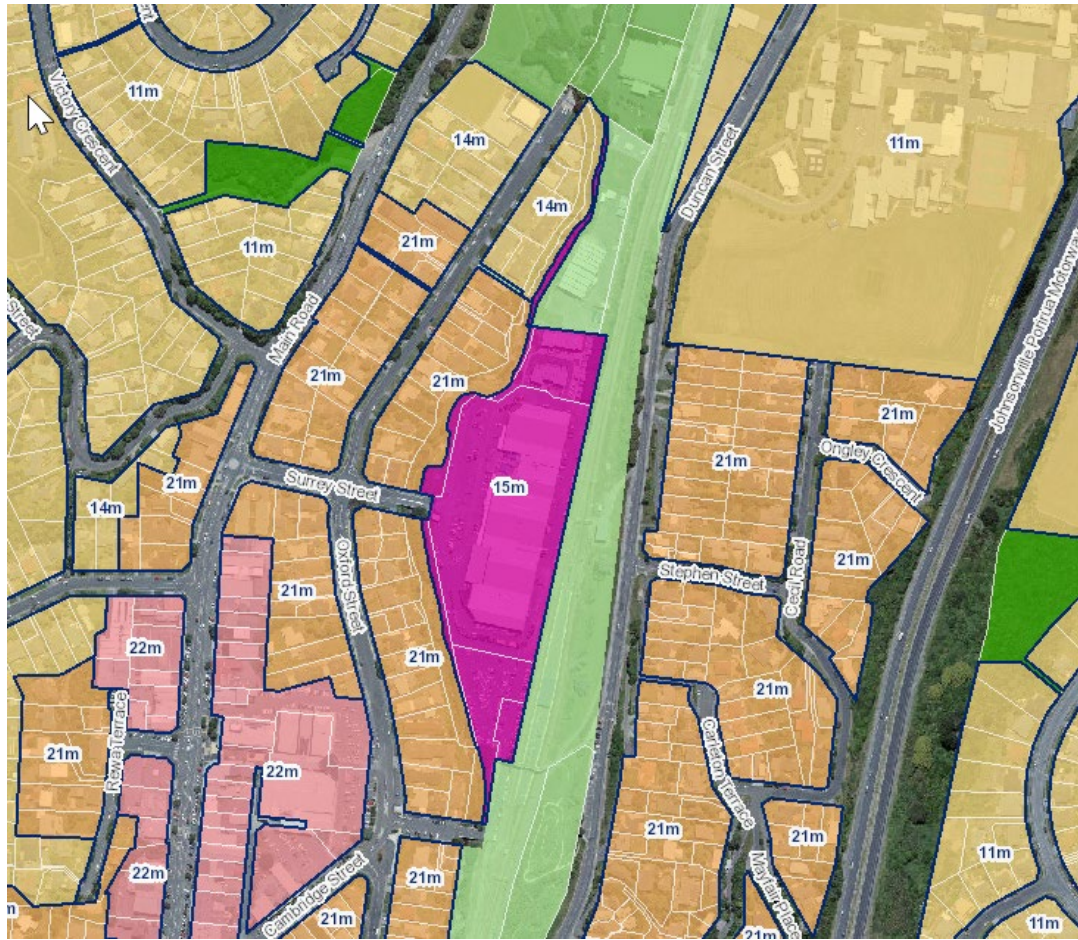
Summary of recommendations

35. HS4-P5-MUZ-Rec7: No amendments are recommended in response to the submission themes outlined under 'Alignment with other zones'.
36. HS4-P5-MUZ-Rec8: That the submission point requesting 'Alignment with other zones' is accepted/rejected as detailed in Appendix B.

4.0 Submissions Relating to Mixed Use Zoning

Matters raised by submitters

37. Tawa Community Board [294.5, 294.17] considers that land at 10 Surrey Street, Tawa is one of the largest parcels of single-ownership land on the valley floor, very near the town centre and Tawa Station and one of the most suitable sites for the highest height limit to encourage future development of centre-like mixed housing and business use. The submitter seeks that 10 Surrey Street is rezoned from MUZ to LCZ.



PDP Zoning – 10 Surrey Street, Tawa (Tawa Junction)

38. Taranaki Whānui [389.16, 389.21] (opposed by Laurence Harger and Ingrid Kölle [FS2.16, FS2.18], Mary Varnham and Paul O'Regan [FS40.16, FS40.18], Buy Back the Bay [FS79.39, FS79.40], and Sarah Crawford [FS118.2]) opposes the extent of the proposed zoning of Shelly Bay Taikuru and the proposed height control limits.
39. Taranaki Whānui [389.5, 389.6, 389.96] seek the following:
- i. That their interests in Shelly Bay Taikuru are given recognition in the District Plan;
 - ii. That the planning framework as set out in the consented Shelly Bay Masterplan³ and Design Guide is adopted as the default planning settings for the landholdings within the scope of the granted consents;
 - iii. That the height limit is increased to 27 metres across Shelly Bay, as this is the maximum height of the development that has resource consent; and
 - iv. That the MUZ is extended across allotments illustrated in the figure below or amended to follow the extent of consented development area outlined in the approved masterplan and engineering drawings.

³ [Service Requests \(pre 2022\) - Approved Plans Appendix 2 SHELLY BAY MASTERPLAN SR368659 p 13-07-2020 17-12-30-698000.pdf \(sharepoint.com\)](#)



PDP Zoning – Shelly Bay with the extension proposed by Taranaki Whānui in red

40. Michelle Rush [436.5, 436.17] considers the extent of MUZs should be extended in and around the NCZ, MDRZ, HDRZ and LCZ. The submitter notes this would enable the ability for people to work, live, and seek services within a walkable, or micro-transport catchment while achieving carbon reduction, increasing liveability and amenity, contributing to public health and wellbeing, and community vibrancy.

Assessment

41. Tawa Community Board [294.5, 294.17] seeks that the MUZ at 10 Surrey Street, Tawa is rezoned as LCZ to encourage 'centre-like mixed housing and business use'.
42. The MUZ of 10 Surrey Street reflects the ODP Business Area 1 zoning. The Tawa Community Board seeks that this is rezoned as LCZ. In my opinion the 'centre-like mixed housing and business use' activities the submitter seeks are also enabled under the MUZ. Building heights of 22m are enabled on this site (consistent with the direction of policy 3(c) of the NPS-UD through a resource consent process).

43. MUZ-O1 states that the purpose of the zone is to provide for a ‘wide range of compatible activities’ and MUZ-P2 identifies that a range of activities are enabled within the zone. Residential activities are restricted to above ground floor in both the MUZ and LCZ.
44. If a development does not meet the permitted activity requirements it will require a resource consent, which is precluded from being publicly notified. I consider that it is appropriate that buildings over 15 metres in height, or non-compliant with other MUZ building standards, are subject to a resource consent.
45. Further, in a general sense, the existing zoning achieves the intent of the submission from the Tawa Community Board with respect to the activities that they seek are enabled in the zone. In contrast to the LCZ, the intent of the MUZ is to also provide for activities that would be incompatible within the CCZ, MCZ, LCZ and/or NCZ. Due to its location 10 Surrey Street is considered a location where activities such as light industrial and yard-based retail may be appropriate, and rezoning his land from MCZ to LCZ would reduce opportunities for these activities to occur. Therefore, I recommend that this land remains MUZ as notified.
46. Taranaki Whānui [389.16, 389.21] is opposed to the current MUZ of Shelly Bay Taikuru and height limits on the basis that they seek amendments to both the zone boundary and maximum building height (MUZ-S1). My assessment with respect to the relief sought by Taranaki Whānui at submission points 389.5, 389.6, 389.96 is as follows:
- i. *That their interests in Shelly Bay Taikuru are given recognition in the District Plan*
 Mana whenua are given recognition throughout the District Plan, including in Part 1 – Anga Whakamua (AW-O1 to AW-O4), Part 1 – Tangata Whenua, Part 2 – Strategic Direction (notably CC: Capital City, CEKP: City Economy, Knowledge and Prosperity, and HHSASM: Historic Heritage and Site and Areas of Significance to Māori), and Part 2 – Historical and Cultural Values (SASM: Sites and Areas of Significance to Māori). At Schedule 7, SASM reference 147 is recognised as a site with significance to Taranaki Whānui. The MUZ sets the objectives, policies, rules and standards for development in the MUZ. With respect to Shelly Bay Taikuru itself, Tthe submitter has not provided any draft provisions for me to consider which makes it difficult to understand the scope of their request and what the implication would be for the planning framework
 - ii. *That the planning framework as set out in the consented Shelly Bay Masterplan and Design Guide is adopted as the default planning settings for the landholdings within the scope of the granted consents*
 I disagree that the planning framework should be amended as sought by the submitter. The zoning of this site in the ODP is Business Area 1, which is the equivalent to the MUZ. The resource consent granted for the redevelopment of Shelly Bay includes a mixture of commercial, community and residential uses, such that I consider the MUZ remains appropriate to apply. There is a live resource consent for the site that can be given effect to, without changes being made to the District Plan

It is not typically the case that the District Plan is amended to reflect the detail of granted resource consents. It may be detrimental to the outcomes sought by the submitter in that any changes to the resource consent will need to be processed under section 127 of the RMA, and possibly under more restrictive rules than present if the District Plan is updated to reflect exactly reflect a consented development. Additionally, if a different development is proposed, then this will be subject to the requirements of the MUZ chapter that apply to the site.

iii. That the height limit is increased to 27 metres across Shelly Bay, as this is the maximum height of the development that has resource consent.

I disagree that a blanket height of 27 metres should be applied across Shelly Bay Taikuru. The proposed 12 metre height provides for an increase in development capacity in comparison with the ODP heights, with 27 metres available via a resource consent if a development contains a residential component.

iv. That the MUZ is extended across allotments illustrated in their attached figure (provided at paragraph 39 above) or amended to follow the extent of consented development area outlined in the approved masterplan and engineering drawings

While I am of the view that the District Plan provisions should not be updated to reflect consented development, I am supportive of the move to align the extent of the MUZ boundary to align with the parcel boundaries identified in the submission. At present these parcels have a split zoning of Natural Open Space and MUZ. It is best practice to avoid split zonings where possible as these become problematic when a single building spans both zones. For example, when considering additions and alterations to that single building when contrasting policy direction is contained in the two zones it is located in. Because of this and recognising the extent of the consented development within this space I am supportive of extended the MUZ to align with the property boundaries as requested by the submitter.

47. Michelle Rush [436.5, 436.17] seeks an extension of the MUZ around NCZ, LCZ, MDRZ and HDRZ to provide environments for people to work, live, access services and the like. I note that the identified MUZs in the PDP are a direct transfer of the ODP Business 1 Areas to the Zone Framework within the National Planning Standards⁴. Justification for the application of the MUZ to the ODP Business 1 Areas is provided in the section 32 report in relation to the CMUZ⁵. With respect to the submission point I note that the relief sought is achieved through the existing PDP zone framework, where mixed use activities are enabled in and around neighbourhoods and established LCZ and NCZ as sought by the submitter, albeit subject to a resource consent where these are located in a residential area. The MUZ is not itself the only area where such activities can occur. Therefore, I do not consider any rezoning necessary as a result of this submission.

⁴ [national-planning-standards-november-2019-updated-2022.pdf \(environment.govt.nz\)](#)

⁵ [Section 32 - Part 2 - Centres, Commercial, Mixed Use and Industrial Zones \(wellington.govt.nz\)](#)

Summary of recommendations

48. HS4-P5-MUZ-Rec9: That the MUZ applying to the site at 10 Surrey Street, Tawa be confirmed as notified.
49. HS4-P5-MUZ-Rec10: That the extent the boundary of the Mixed Use Zone applying to the Shelly Bay Taikuru be extended as shown below and at Appendix A:



50. HS4-P5-MUZ-Rec11: That submission points relating to 'Submissions Relating to Zoning' are accepted/rejected as detailed in Appendix B.

5.0 Submissions Relating to Specific Mixed Use Zone Provisions

Introduction

Matters raised by submitters

51. Kāinga Ora [391.611, 391.612] seeks that the introduction of the MUZ is retained with amendment. The following amendments are requested:

Introduction

...

The Mixed Use Zone is distributed across the city. A broad range of activities are enabled to occur alongside one another in the Mixed Use Zone. It needs to be noted that due to the wide range of non-residential activities provided for, and the potential for industrial activities to establish in this Zone, there may be moderate to high levels of noise, vehicle trip generation or other environmental effects. While such effects may be tolerable within the Mixed Use Zone, they could undermine the amenity of zones nearby if not appropriately managed. Effects from new activities and development within the Mixed Use Zone need to be compatible with the local context. Activities that generate adverse effects of a nature or scale that is potentially incompatible with the existing and anticipated future context will typically not be enabled in the Mixed Use Zone unless such activities can demonstrate they are able to co-exist with existing and anticipated future sensitive activities in the vicinity.

Assessment

52. Kāinga Ora [391.611, 391.612] seeks amendments to the text of the Introduction to better acknowledge the context and that activities in the vicinity of the MUZ may change in the future. With respect to these changes to include ‘anticipated future’ context, my assessment is as follows:
- a. Caselaw has established that the word ‘anticipated’ can be taken to mean ‘permitted’⁶. 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 exercises their discretion to apply this. Therefore, the addition of the words ‘and anticipated future’ sets an expectation that effects of a building or activity will not be taken into account before they have in fact been through a resource consent process.
 - b. Any new development requiring resource consent is required to take into account the ‘existing environment’, which includes both consented development and any development that could occur on a site as a permitted activity. As such, reference to the ‘anticipated future’ context is implicit.
53. For these reasons, I consider that the changes requested by Kāinga Ora are unnecessary and recommend that submission points 391.611, 391.612 are rejected.

Summary of recommendations

54. HS4-P5-MUZ-Rec12: That the Introduction to the MUZ chapter is confirmed as notified.
55. HS4-P5-MUZ-Rec13: That the submission points relating to the Introduction to the MUZ chapter are rejected as detailed in Appendix B.

⁶ Sydney Street Substation Limited v Wellington City Council, CIV 2017-485-11 [2017] NZHC 2489
Proposed Wellington City District Plan

MUZ-O1 – Purpose

Matters raised by submitters

56. Restaurant Brands Limited [349.125], Z Energy [361.48], Kāinga Ora [391.614] and Willis Bond [416.97] support MUZ-O1 and seek that this is retained as notified.

Summary of recommendations

57. HS4-P5-MUZ-Rec14: That MUZ-O1 (Purpose) be confirmed as notified.
58. HS4-P5-MUZ-Rec15: That the submission points relating to MUZ-O1 are accepted as detailed in Appendix B.

MUZ-O2 – Accommodating Growth

Matters raised by submitters

59. FENZ [273.280], Restaurant Brands Limited [349.126], Z Energy [361.49], Kāinga Ora [391.615] and Willis Bond [416.98] support MUZ-O2 and seek that this is retained as notified.
60. The Ministry of Education [400.134, 400.135] supports MUZ-O2 in part and seek the following amendment to explicitly recognise and provide for educational activities in the MUZ which, in their view, are necessary to accommodate growth:

MUZ-O2 (Accommodating growth)

The Mixed Use Zone has an important role in accommodating growth and has sufficient serviced, resilient development capacity and additional infrastructure to meet business, and to a lesser extent residential growth needs.

Assessment

61. Consistent with my recommendations in Part 2 (Metropolitan Centre Zone), Part 3 (Local Centre Zone) and Part 4 (Neighbourhood Centre Zone) of this section 42A report, I recommend that the Ministry of Education submission points [400.123, 400.124] are accepted, as the MUZ is a suitable location for additional infrastructure as defined in the PDP.

Summary of recommendations

62. HS4-P5-MUZ-Rec16: That MUZ-O2 (Accommodating Growth) is amended as set out below and at Appendix A.

MUZ-O2 (Accommodating growth)

The Mixed Use Zone has an important role in accommodating growth and has sufficient serviced, resilient development capacity and additional infrastructure to meet business, and to a lesser extent residential growth needs.

63. HS4-P5-MUZ-Rec17: That submission points relating to MUZ-O2 are accepted/rejected as detailed in Appendix B.

MUZ-O3 – Compatibility with other employment areas and the hierarchy of centres

Matters raised by submitters

64. Restaurant Brands Limited [349.127], Z Energy [361.50], Kāinga Ora [391.616] and Willis Bond, [416.99] support MUZ-O3 and seek that this is retained as notified.

Summary of recommendations

65. HS4-P5-MUZ-Rec18: That MUZ-O3 (Compatibility with other employment areas and the hierarchy of centres) be confirmed as notified.
66. HS4-P5-MUZ-Rec19: That the submission points relating to MUZ-O3 are accepted as detailed in Appendix B.

MUZ-O4 – Amenity and Design

Matters raised by submitters

67. Restaurant Brands Limited [349.128], Z Energy [361.51], Kāinga Ora [391.617] and Willis Bond [416.100] support MUZ-O4 and seek that this is retained as notified.
68. The Retirement Villages Association [350.262, 350.263] considers the current drafting of MUZ-O4 is inconsistent with Objectives 1 and 2 of the MDRS, and questions what the context is in relation to continuing 'positively' to a changing and well-functioning urban environment. The submitter seeks the following amendment:

MUZ-O4 (Amenity and Design)

Development in the Mixed Use Zone ~~positively~~ contributes to creating a well-functioning urban environment and a diverse local context.

Assessment

69. I disagree with the submission points from the Retirement Villages Association [350.262, 350.263] seeking the removal of the word 'positively' from the objective. While the wording in the objective is not verbatim with policy 1 of the MDRS, I consider that the objective gives effect to the MDRS objective. I also note that MUZ are predominantly commercial zones with a mixed-use focus, and there is no statutory directive for the MDRS wording to apply. There is no reason why the District Plan should not encourage good quality development within the MUZ and the inclusion of the word 'positively' indicates that this is the standard of development that the Council will expect. In line with my recommendations in relation to MCZ-O3, LCZ-O3 and NCZ-O3 I recommend that this submission point is rejected.

Summary of recommendations

70. HS4-P5-MUZ-Rec20: That MUZ-O4 (Amenity and Design) be confirmed as notified.
71. HS4-P5-MUZ-Rec21: That submission points relating to MUZ-O4 are accepted/rejected as detailed in Appendix B.

MUZ-O5 – Managing adverse effects

Matters raised by submitters

72. Restaurant Brands Limited [349.129], Z Energy [361.52], Kāinga Ora [391.618] and Willis Bond [416.101] support MUZ-O5 and seek that this is retained as notified.

Summary of recommendations

73. HS4-P5-MUZ-Rec22: That MUZ-O5 (Managing adverse effects) be confirmed as notified.
74. HS4-P5-MUZ-Rec23: That the submission points relating to MUZ-O5 are accepted as detailed in Appendix B.

MUZ-P1 - Accommodating Growth

Matters raised by submitters

75. Restaurant Brands Limited [349.130], the Retirement Villages Association [350.265], Z Energy [361.53] and Willis Bond [416.102] support MUZ-P1 and seek that this is retained as notified.
76. Kāinga Ora [391.619, 391.620] (supported by Waka Kotahi [FS103.21]) supports MUZ-P1 in part and seeks an amendment to recognise that the purpose of the MUZ is to allow for compatible activities to co-locate. Amendments are also sought to recognise that affordability and distribution cannot be managed through the District Plan. The submitter seeks the following amendments:

MUZ-P1 (Accommodating growth)

Provide for the use and development of the Mixed Use Zone to meet the City's needs for business activities and ~~to a lesser extent housing~~ residential activities co-located, including:

1. A ~~choice~~ variety of building type, size, ~~affordability and distribution~~, including forms of medium and high density housing;
2. Efficient, well integrated and strategic use of available development sites; and
3. ~~Convenient~~ Access to state highways and key transport routes and public transport.

Assessment

77. With respect to the change requested by Kāinga Ora regarding residential activities, I note that the introduction notes the purpose of the MUZ is *“to provide for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities”*.
78. The change sought by Kāinga Ora has the potential to conflate the importance of residential activities within the zone, meaning that there will be a presumption that business and residential will be co-located. This differs from the current intent of the policy, where residential is one of a number of activities that can occur in the zone. I recommend this request is rejected.

MUZ-P1.1

79. Regarding Kāinga Ora’s suggested changes to MUZ-P1.1, I agree that ‘choice’ should be amended to ‘variety’ as this is consistent with other CMUZ. As discussed at paragraph 75 of Part 2 of this report (Metropolitan Centre Zone), I disagree with the submitter that it is not for the District Plan to address matters such as tenure and affordability.
80. The District Plan zoning framework is designed to provide different housing typologies in different locations throughout the city, which has a direct impact on affordability and distribution. I therefore consider that it is appropriate for the policy to refer to affordability and distribution. This is not a requirement (rule or standard) but infers that the benefits of different styles of housing will be taken into account when applications for resource consent are assessed. I therefore recommend that the change requested by Kāinga Ora [391.619] is accepted in part, with ‘affordability and distribution’ at MUZ-P1.1 retained as notified and the word ‘variety’ replacing ‘choice’ at MUZ-P1.1.

MUZ-P1.3

81. Kāinga Ora [391.620] has requested that the word ‘convenient’ be removed and ‘public transport’ be added. Regarding the removal of ‘convenient’, I do not see the need for this change, however I do note that the word is potentially unnecessary. In terms of including ‘public transport’, I am concerned that whether or not access to this is ‘convenient’ is subjective and may influence consent decisions in a way that is not intended. For example, a location with no off-peak bus service may not be considered to have convenient access to public transport. Given that public transport typically runs along key transport routes, I consider that this change is redundant and that the submission point should be rejected.

Summary of recommendations

82. HS4-P5-MUZ-Rec24: That MUZ-P1 is amended as set out below and at Appendix A.

MUZ-P1 (Accommodating growth)

Provide for the use and development of the Mixed Use Zone to meet the City’s needs for business activities and to a lesser extent housing, including:

1. A **choice variety** of building type, size, affordability and distribution, including forms of medium and high density housing;
2. Efficient, well integrated and strategic use of available development sites; and
3. Convenient access to state highways and key transport routes.

83. HS4-P5-MUZ-Rec25: That submission points relating to MUZ-P1 are accepted/rejected as detailed in Appendix B.

MUZ-P2 – Enabled activities

Matters raised by submitters

84. FENZ [273.281], Restaurant Brands Limited [349.131], Z Energy [361.54], the Ministry of Education [400.136] and Willis Bond [416.103] support MUZ-P2 as notified.
85. Corrections [240.44, 240.45, 240.46, 240.47] supports MUZ-P2 with amendment. The submitter considers that community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. The submitter considers there is a minor drafting error within MUZ-P2.7 where the terminology should refer to “community corrections activities”. Corrections also requests that, should the Council see it as being absolutely necessary to implement the separate definition of “supported residential care activity”, then the enabled activities policies and land use activity rules applying to supported and transitional accommodation activities in the MUZ, CCZ and WFZ are amended. As such, they seek the following changes:

MUZ-P2 (Enabled activities)

...

7. Community corrections ~~facilities~~ activities;

...

10. Residential activities and supported residential care activities above ground floor level;

86. Kāinga Ora [391.621] seeks that MUZ-P2 is retained with amendment. The submitter generally supports MUZ-P2 but seeks a technical amendment to correct ‘community correction facilities’, which has no definition.
87. Kāinga Ora [391.622] also seeks an amendment to provide for residential activities which are also located to the rear of buildings. The submitter seeks the following changes:

MUZ-P2 (Enabled activities)

...

7. Community corrections ~~facilities~~ activity;

...

10. Residential activities above ground floor level or not located on a road frontage;

Assessment

88. Regarding the amendments sought to MUZ-P2.7 [240.45, 391.622], I agree that this should be amended to ‘Community corrections activities’, which aligns with use of the term in other CMUZ.
89. In terms of the submission points seeking amendments to MUZ-P2.10 [240.47, 391.622]:
- As discussed in the Overview and General Matters section of this report, a ‘supported residential care activity’ will fall under the ambit of a ‘residential activity’. Therefore, it is not necessary to change MUZ-P2 as requested by Corrections [240.42].
 - I recommend the suggestion from Kāinga Ora [391.622] to add residential activities not located on a road frontage as being an enabled activity is rejected. Dr Lees has identified that demand for business land is rising in Wellington⁷. The purpose of only enabling residential activities above the ground floor in the MUZ is to ensure the supply of business land is sufficient to meet the City’s needs and this may include land that is not on a road frontage.

Summary of recommendations

90. HS4-P5-MUZ-Rec26: For the reasons set out in my assessment above, I recommend MUZ-P2 is amended as set out below and at Appendix A:

MUZ-P2 (Enabled activities)

...

7. Community corrections ~~facilities~~ activities;

...

91. HS4-P5-MUZ-Rec27: That submission points relating to MUZ-P2 are accepted as detailed in Appendix B.

⁷ [Statement-of-evidence-of-Dr-Kirdan-Ross-Lees-on-behalf-of-Wellington-City-Council.pdf](#), section 2.2

MUZ-P3 – Managing larger-scale retail activities

Matters raised by submitters

92. Restaurant Brands Limited [349.132] (opposed by Foodstuffs [FS23.49]), Z Energy [361.55] and Kāinga Ora [391.623] support MUZ-P3 and seek that this is retained as notified.
93. McDonald's [274.39, 274.40] and Foodstuffs [476.36, 476.37] seek that MUZ-P3 is retained with amendment and notes whilst functional and operational needs are referred to within some assessment criteria, there is no correlation to any policies. The submitter seeks the following changes:

MUZ-P3 (Managing larger-scale retail activities)

Recognise the functional and operational requirements of activities and development.

94. Woolworths [359.70] (supported by Foodstuffs [FS23.14]) considers that supermarkets that infringe MUZ-R12 should be able to be accommodated in the zone under MUZ-P3 if there is a functional need and effects on the centre are managed and this should be reflected in the zone policies. They seek the following changes:

MUZ-P3 (Managing larger-scale retail activities)

~~Only~~ Allow the establishment of integrated retail activities and large supermarkets in the Mixed Use Zone if it can be demonstrated that they will:

1. Not result in significant adverse impacts on the viability, vitality, role and function of the City Centre or any Metropolitan, Local or Neighbourhood Centres;
2. Not result in significant adverse impacts on the sustainability, safety or efficiency of the transport network and the hierarchy of roads from trip patterns, travel demand or vehicle use; ~~and~~
3. Be compatible with adjoining land uses;
4. Have an operational or functional need to locate in the zone.

Assessment

95. I disagree with the request to delete the word 'Only' from MUZ-P3. The intent of the policy is to manage effects of larger-scale retail activities in the MUZ, and to discourage these unless the underlying criteria at MUZ-P1.1 to MUZ-P1.3 are satisfied. Hence, I recommend that submission points 359.70 and FS23.14 are rejected.
96. McDonald's [274.39, 274.40], Foodstuffs [476.36, 476.37] and Woolworths [359.70] (supported by Foodstuffs [FS23.14]) all seek that MUZ-P3 is amended so that operational and functional need of activities are provided for in the policy framework.
97. The PDP provides definitions of 'functional need' and 'operational need', which are as follows:
Functional need:

“means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment”.

Operation need:

“means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints”.

98. I consider that it is inappropriate to amend the policy as requested by the submitters as this sets an expectation that these activities may be possible within the zone if the developer can make a case in line with MUZ-P3. Given the intent of the policy is to discourage these activities, in my view this expectation should not be introduced. As such, I recommend that the submission points from McDonald’s [274.35, 274.36] and Foodstuffs [274.39, 274.40], Foodstuffs [476.36, 476.37, and Woolworths [359.70] (supported by Foodstuffs [FS23.14]) are rejected.
99. For consistency across the District Plan, it is recommended that the word ‘viability’ is removed from the policy. The reasons for this change are set out at paragraph 88 of Part 2 (Metropolitan Centre Zone) of this report.

Summary of recommendations

100. HS4-P5-MUZ-Rec28: That MUZ-P3 (Enabled activities) is amended as detailed below and at Appendix A:

MUZ-P3 (Managing larger-scale retail activities)

Only allow the establishment of integrated retail activities and large supermarkets in the Mixed Use Zone if it can be demonstrated that they will:

1. Not result in significant adverse impacts on the **viability**, vitality, role and function of the City Centre or any Metropolitan, Local or Neighbourhood Centres;
2. Not result in significant adverse impacts on the sustainability, safety or efficiency of the transport network and the hierarchy of roads from trip patterns, travel demand or vehicle use; and
3. Be compatible with adjoining land uses.

101. HS4-P5-MUZ-Rec29: That submission points relating to MUZ-P3 are accepted/rejected as detailed in Appendix B.

MUZ-P4 – Avoiding heavy industrial activities

Matters raised by submitters

102. Restaurant Brands Limited [349.133], Z Energy [361.56] and Kāinga Ora [391.624] support MUZ-P4 and seek that it is retained as notified.

Summary of recommendations

103. HS4-P5-MUZ-Rec30: That MUZ-P4 (Avoiding heavy industrial activities) is confirmed as notified.

104. HS4-P5-MUZ-Rec31: That submission points relating to MUZ-P4 are accepted as detailed in Appendix B.

MUZ-P5 – Residential activities

Matters raised by submitters

105. Restaurant Brands Limited [349.134] and Z Energy [361.57] support MUZ-P5 and seek that it is retained as notified.
106. The Retirement Villages Association [350.266] opposes restrictions on retirement villages being established at ground floor level and seeks that MUZ-P5.1 is deleted.
107. Kāinga Ora [391.625] (opposed by the Retirement Villages Association [FS126.157] and Ryman [FS128.157]), and [391.626] supports MUZ-P5 but seeks amendments to enable ground floor residential at the rear properties. The submitter also seeks an amendment to remove reference to ‘reverse sensitivity’ as those living and working in the zone would anticipate a particular level of amenity which can be managed through other policies, rules and standards. The submitter seeks the following changes:

MUZ-P5 (Residential activities)

Ensure the ongoing functional use of the Mixed Use Zone for a range of business uses by:

1. Restricting residential activities being established at the ground floor level of buildings except where they are not located on a road frontage; and
2. Ensuring residential activities are designed and constructed to provide good on-site amenity ~~and to avoid reverse sensitivity effects on non-residential activities within the zone.~~

Assessment

108. Regarding the submission from the Retirement Villages Association [350.266], no reason for their opposition to restrictions on retirement villages being established at ground floor level has been provided. The policy seeks to discourage residential activities on the ground floor so as to ensure there are active interfaces between buildings and the public environment at ground level, so as to add vitality to the CMUZ environment. A large scale residential activity (such as a retirement village) with residential activities at ground level would have the potential to substantially reduce the opportunity for commercial/publicly accessible activities at ground level and for the zone to achieve its mixed-use purpose. I am also concerned that residential activities at ground level will provide a low level of residential amenity for the occupants. As such, I recommend this submission point is rejected.
109. Kāinga Ora [391.625 (opposed by Retirement Villages Association [FS126.157] and Ryman [FS128.157]), 391.626] seeks an allowance for residential activities being established on the ground floor of buildings where they are not located on a road frontage. I do not agree to this change as the policy intent is to discourage residential activities on the ground floor to ensure that there is suitable capacity for commercial/publicly accessible activities within the MUZ. Resource consent can be sought, and assessed on a case-by-case basis, for residential activities at ground floor level. This is considered appropriate for buildings not located on a

road frontage. I disagree with the request to remove reference to reverse-sensitivity effects. In order to facilitate a functioning mixed-use environment, residential activities will need to be designed and constructed in a manner that does not undermine use of the zone for a wider range of non-residential activities. Noting that the MUZ is one of the few zones where light industrial and yard-based activities are considered appropriate, it is important that the potential for reverse-sensitivity effects is taken into account so that residential activities do not impede the potential for these activities to occur in the zone. As such, I recommend that these submission points are rejected.

110. MUZ-P5 pertains to residential activities and will be taken into account when any residential development is proposed on a MUZ site. For consistency with the approach recommended throughout the CMUZ, where Ms Stevens and I have recommended that references to the Design Guides are removed from the relevant rules and incorporated into the policies, I recommend that MUZ-P5 is amended to include a requirement to consider the RDG where applicable. This amendment aligns with my recommendations in Part 2 (Metropolitan Centre Zone), Part 3 (Local Centre Zone), Part 4 (Neighbourhood Centre Zone) and Part 6 (Commercial Zone) of this report, and is shown at my Summary of Recommendations below.

Summary of recommendations

111. HS4-P5-MUZ-Rec32: That MUZ-P5 (Residential activities) is amended as shown below and at Appendix A.

MUZ-P5 (Residential activities)

Ensure the ongoing functional use of the Mixed Use Zone for a range of business uses by:

1. Restricting [residential activities](#) being established at the ground floor level of [buildings](#); ~~and~~
2. Ensuring [residential activities](#) are designed and constructed to provide good on-site amenity and to avoid [reverse sensitivity](#) effects on non-residential activities within the zone; ~~and~~
3. [Meeting the requirements of the Residential Design Guide as relevant.](#)

112. HS4-P5-MUZ-Rec33: That submission points relating to MUZ-P5 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

113. In my opinion, the amendments to MUZ-P5 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 terms of providing a balance between enabling development capacity in the MUZ whilst ensuring that high quality on-site amenity is provided for residents.
 - b. The changes allow for MUZ-R16 to be simplified, as will be addressed later in this report. The addition of the reference to the RDG in the 'Residential activities' 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.

- c. The changes signify that the RDG should be addressed at the project development stage to ensure that the development accords with the guidance within this; and that an assessment against the RDG is necessary at the resource consent stage.
- d. The change ensures consistent approach to residential activities throughout the CMUZ and higher amenity values in the zones.
- e. This change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.

114. The recommended amendments will not have any greater environmental, social, economic or cultural effects that the notified provisions.

MUZ-P6 – Design of new development

Matters raised by submitters

115. Restaurant Brands Limited [349.135], Kāinga Ora [391.627] and Z Energy [361.58] support MUZ-P6 and seek that this is retained as notified.

Assessment

116. I acknowledge the submissions in support of MCZ-P6. However, for consistency with the other CMUZ, I recommend that MUZ-P6 is amended to reference the CMUDG, with a related change to MUZ-R16 to remove direct references to the Design Guide in the rule. This is a consequential change of amending MUZ-R16 (as requested by a number of submitters). It will allow for the removal of references to the CMUDG from MUZ-R16, noting that an assessment against the policy is required as a matter of discretion under that rule.

117. On the basis of the assessment above, I recommend that MUZ-P6 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 3 (Local Centre Zone), Part 4 (Neighbourhood Centre Zone) and Part 6 (Commercial Zone) of this section 42A report.

Summary of recommendations

118. HS4-P5-MUZ-Rec34: That MUZ-P6 (Design of new development) is amended as set out below and at Appendix A.

MUZ-P6 (Design of new development)

Encourage a high standard of built form and amenity, while:

- a. ~~e~~Enabling innovation and choice in the design of new built development to reflect the diverse neighbourhood context of the Mixed Use Zone; and
- b. Meeting the intentions of the Centres and Mixed Design Guide as relevant.

119. HS4-P5-MUZ-Rec35: That submission points relating to MUZ-P6 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

120. In my opinion, the amendments to MUZ-P6 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The changes signify that the CMUDG should be addressed at the project development stage to ensure that the development accords with the guidance within this; and that an assessment against the CMUDG is necessary at the resource consent stage.
 - b. The change clarifies and strengthens the policy direction regarding the use of design guide in the zone.
 - c. This change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
121. The recommended amendments will not have any greater environmental, social, economic or cultural effects than the notified provisions.

MUZ-P7 – Zone interfaces

Matters raised by submitters

122. Restaurant Brands Limited [349.136], Z Energy [361.59] and Kāinga Ora [391.628] support MUZ-P7 and seek that it is retained as notified.

Summary of recommendations

123. HS4-P5-MUZ-Rec36: That MUZ-P7 (Zone interfaces) is confirmed as notified.
124. HS4-P5-MUZ-Rec37: That the submission points relating to MUZ-P7 are accepted as detailed in Appendix B.

MUZ-R1 – Commercial activities

Matters raised by submitters

125. McDonald's [274.41] and Restaurant Brands Limited [349.137] support MUZ-R1 and seek that it is retained as notified.
126. Z Energy Limited [360.60, 361.61] supports MUZ-R1 in part and considers it should be clarified to state whether a yard-based retail activity would sit within this rule framework, as yard-based retail activities do not have a specific rule in the MUZ, or whether they are caught as 'All other activities MUZ-R13'.

Assessment

127. Regarding the submission from Z Energy Limited [361.61] seeking clarification on whether MUZ-R1 covers yard-based retail, I disagree that the rule framework for yard-based retail needs clarification on the sole basis that these are referred to separately in other CMUZ. Notably, in the MCZ, LCZ and NCZ yard-based retail activities are 'potentially incompatible' with the zone, and the corresponding rules require that a Discretionary activity resource consent is obtained for any such activities. Conversely, yard-based activities are considered appropriate to locate within the MUZ. I am satisfied that the relief sought by the submitter is unnecessary as MUZ-R13 would capture and provide for these to be a Permitted activity,

subject to meeting the requirements of any building rule (ie MUZ-R16, MUZ-R18). MUZ-P2 indicates that these activities are acceptable in the MUZ where these are “*of an appropriate nature, scale and intensity for the zone and hierarchy of centres*”.

Summary of Recommendations

- 128. HS4-P5-MUZ-Rec38: That MUZ-R1 (Commercial activities) is confirmed as notified.
- 129. HS4-P5-MUZ-Rec39: That submission points relating to MUZ-R1 are accepted/rejected as detailed in Appendix B.

MUZ-R3 – Educational facilities

Matters raised by submitters

- 130. Ministry of Education [400.137] supports MUZ-R3 and seeks that it is retained as notified.

Recommendation

- 131. HS4-P5-MUZ-Rec40: That MUZ-R3 (Educational facilities) is confirmed as notified.
- 132. HS4-P5-MUZ-Rec41: That the submission point relating to MUZ-R3 is accepted as detailed in Appendix B.

MUZ-R5 – Emergency services facilities

Matters raised by submitters

- 133. FENZ [273.282] supports MUZ-R5 and seek that this is retained as notified.

Recommendation

- 134. HS4-P5-MUZ-Rec42: That MUZ-R5 (Emergency services facilities) is confirmed as notified.
- 135. HS4-P5-MUZ-Rec43: That submission points relating to MUZ-R5 are accepted as detailed in Appendix B.

MUZ-R6 – Community corrections activities

Matters raised by submitters

- 136. Corrections [240.48, 240.49] supports MUZ-R6 with an amendment to refer to ‘Community corrections activities’. The submitter seeks the following change:

| |
|---|
| MUZ-R6 (Community corrections facilities activities) |
|---|

Assessment

137. As per the assessment in relation to MUZ-P2 at paragraph 88 above, Corrections [240.48, 240.49] considers there is a minor drafting error where the terminology should refer to “community corrections activities” and recommend that the reference is amended. This is consistent with other zones in the District Plan.

Summary of Recommendations

138. HS4-P5-MUZ-Rec44: That MUZ-R6 (Community corrections facilities) is amended as set out below and at Appendix A.

MUZ-R6 (Community corrections ~~facilities~~ activities)

139. HS4-P5-MUZ-Rec45: That the submission points relating to MUZ-R6 are accepted as detailed in Appendix B.

MUZ-R10 – Residential activities

Matters raised by submitters

140. Corrections [240.50] support MUZ-R10 and seek that this is retained as notified.
141. Kāinga Ora [391.629, 391.630] (supported by the Retirement Villages Association [FS126.158] and Ryman [FS128.158]) supports MUZ-R10 in part and seeks the following amendments to enable residential activities at ground floor where they are to the rear of a non-residential building. The submitter seeks the following changes:

MUZ-R10 (Residential activities)

1. Activity status: Permitted

where:

a. The activity is located above ground floor level or located in a building that does not have a road frontage.

2. Activity status: Restricted Discretionary

where:

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

Matters of discretion are:

...

4. The effect on ~~the visual quality~~ character of the streetscape and the extent to which the development contributes to or detracts from the pedestrian environment; and

...

Assessment

142. Kāinga Ora [391.629, 391.630] requests a change to allow residential activities to be located on the ground floor of a building that does not have road frontage. I do not agree to this change and note that the policy intent to discourage residential activities on the ground floor to ensure there is sufficient supply of business/commercial land. As such, I recommend that this change is rejected. The submitter also seeks a change from 'visual quality' to 'character'. I do not consider this change in wording alters the meaning. I do not consider a change necessary and recommend this submission is rejected.

Summary of recommendations

143. HS4-P5-MUZ-Rec46: That MUZ-R10 (Residential activities) is confirmed as notified.
144. HS4-P5-MUZ-Rec47: That submission points relating to MUZ-R10 are accepted/rejected as detailed in Appendix B.

MUZ-R12 – Supermarkets

Matters raised by submitters

145. Woolworths [359.71, 359.72] (supported by Foodstuffs [FS23.15]) seeks that MUZ-R12 is retained with amendments. The submitter considers the exclusion of the permitted baseline assessment to be an unnecessary inclusion relative to the restricted discretionary activity status which otherwise conveys that larger supermarkets could be generally considered appropriate in the zone. The submitter seeks the following changes:

MUZ-R12.2 (Supermarkets)

2. Activity status: Restricted Discretionary

Where:

a. Compliance with the requirements of MUZ-R12.1 cannot be achieved.

Matters of discretion are:

1. The matters in MUZ-P3.

~~The Council will not apply a permitted baseline assessment when considering the effects of supermarkets that cannot comply with MUZ-R12.1.~~

Assessment

146. I agree with Woolworths [359.71, 359.72] (supported by Foodstuffs [FS23.15]) that the statement that: *'The Council will not apply a permitted baseline assessment when considering the effects of supermarkets that cannot comply with MUZ-R12.1'* should be deleted from the rule. The purpose of this clause is to deter large scale supermarkets from locating in the zone. However, in my view the resource consent planner assessing an application should be the one to determine whether or not a permitted baseline should be applied, noting that they have

discretion not to under sections 95D(b), 95E(2)(a) and 104(1)(2) of the RMA. In any event, given that the rule applies to the activity, the permitted baseline in this case would be the effects of a supermarket with a GFA up to 1500m² specified at MUZ-R12.1. It seems reasonable that the planner considers this when considering the effects of a development with a larger GFA. I note that the building housing the supermarket will still require assessment under MUZ-R16. I therefore recommend that this submission is accepted. Should the IHP determine that this change is appropriate, then I recommend considering the similar clause under MUZ-R11 as a consequential change.

Summary of recommendations

147. HS4-P5-MUZ-Rec48: That MUZ-R12 (Supermarkets) is amended as detailed below and at Appendix A:

MUZ-R12.2 (Supermarkets)

2. Activity status: Restricted Discretionary

Where:

a. Compliance with the requirements of MUZ-R12.1 cannot be achieved.

Matters of discretion are:

1. The matters in MUZ-P3.

~~The Council will not apply a permitted baseline assessment when considering the effects of supermarkets that cannot comply with MUZ-R12.1.~~

148. HS4-P5-MUZ-Rec49: That the submission points relating to MUZ-R12 are accepted as detailed in Appendix B.

MUZ-R13 – All other activities

Matters raised by submitters

149. Z Energy Limited [361.62, 361.63] seeks that MUZ-R13 is retained with amendment. The submitter seeks clarification is needed on yard-based retail activity and whether it would sit within this rule framework.

Assessment

150. For the reasons set out at paragraph 127 of this report, I am satisfied that MUZ-R13 suitably provides for yard-based activities and disagree with Z Energy Limited [361.61] that the rule framework for yard-based retail needs clarification.

Recommendation

151. HS4-P5-MUZ-Rec50: That MUZ-R13 (All other activities) is confirmed as notified.
152. HS4-P5-MUZ-Rec51: That the submission point relating to MUZ-R13 is rejected as detailed in Appendix B.

MUZ-R14 – Maintenance and repair of buildings and structures

Matters raised by submitters

153. FENZ [273.283] and Restaurant Brands Limited [349.138] support MUZ-R14 and seek that this is retained as notified.

Recommendation

154. HS4-P5-MUZ-Rec52: That MUZ-R14 (Maintenance and repair of buildings and structures) is confirmed as notified.
155. HS4-P5-MUZ-Rec53: That submission points relating to MUZ-R14 are accepted as detailed in Appendix B.

MUZ-R15 – Demolition or removal of buildings and structures

Matters raised by submitters

156. FENZ [273.284] and Restaurant Brands Limited [349.139] support MUZ-R15 and seek that this is retained as notified.
157. GWRC [351.274, 351.275] seeks that MUZ-R15 is retained with amendment. The submitter supports the rule but seeks that it is amended to require all demolition material is disposed of at an approved facility to achieve the Permitted activity status.

Assessment

158. Consistent with Mr Patterson’s recommendations in relation to the residential zones, and my recommendations for other CMUZ, I disagree with the amendment sought by GWRC [351.274, 351.275] and recommend that these submission points are rejected.

Summary of recommendations

159. HS4-P5-MUZ-Rec54: That MUZ-R15 (Demolition or removal of buildings and structures) is confirmed as notified.
160. HS4-P5-MUZ-Rec55: That submission points relating to MUZ-R15 are accepted/rejected as detailed in Appendix B.

MUZ-R16 – Construction of, or additions and alterations to, buildings and structures

Matters raised by submitters

161. FENZ [273.285] supports MUZ-R16 and seeks that this is retained as notified.
162. Restaurants Brands Limited [349.140] is opposed to the cross reference to the CMUDG within the matters of discretion and notes the policies of the MUZ are sufficient to ensure that development achieves “good quality, well-functioning environment” as required by MUZ-O3.

163. The Retirement Villages Association [350.267] seeks changes as follows:

MUZ-R16.2 (Construction of, or additions and alterations to, buildings and structures)

2. Activity status: Restricted Discretionary

...

Matters of discretion are:

1. The matters in MUZ-P2, MUZ-P5, MUZ-P6 and MUZ-P7 (this clause is not applicable to retirement villages);

2. The extent and effect of non-compliance with MUZ-S1, MUZ-S3, MUZ-S4, MUZ-S5, MUZ-S6, MUZ-S7 and MUZ-S11 as specified in the associated assessment criteria for the infringed standards;

3. The extent of compliance with MUZ-S2;

4. The extent of compliance with MUZ-S8, MUZ-S9 and MUZ-S10 for any part of the building used for residential activities;

5. The Centres and Mixed-Use Design Guide (this clause is not applicable to retirement villages);

6. The Residential Design Guide (this clause is not applicable to retirement villages);

7. 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)(4)(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 MUZ-R16.2.a that results from non-compliance with MUZ-S4 or MUZ-S6 is precluded from being publicly or limited notified.

An application for resource consent made in respect of rule MUZ-R16.2.a that results from non-compliance with MUZ-S1 but that complies with both MUZ-S2 and MUZ-S3 is precluded from being publicly or limited notified.

An application for resource consent for a retirement village made in respect of rule MUZ-R16.2.a is precluded from being publicly notified.

An application for resource consent for a retirement village made in respect of rule MUZ-R16.2.b where compliance is achieved with MUZ-S1, MUZ-S2, MUZ-S3 and MUZ-S5 is precluded from being limited notified.

164. Woolworths [359.73] (supported by Foodstuffs [FS23.16]) considers MUZ-R16.2 should be amended to establish matters of discretion specific to supermarket buildings that infringe MUZ-R16.1 standards. The submitter raises concerns around the inclusion of the CMUDG within these matters of discretion on account of the unnecessary scope this introduces in a restricted discretionary consenting framework. The submitter seeks the following changes:

MUZ-R16.2 (Construction of, or additions and alterations to, buildings and structures)

2. Activity status: Restricted Discretionary

Where:

a. Compliance with the requirements of MUZ-R16.1 cannot be achieved.

Matters of discretion are:

1. The matters in MUZ-P2, MUZ-P5, MUZ-P6 and MUZ-P7 excluding for supermarkets exceeding MUZ-S6;

2. For supermarkets exceeding MUZ-S6 the matters in MUZ-P2, MUZ-P3, MUZ-P6, and MUZ-P7;

~~2-3.~~ The extent and effect of non-compliance with MUZ-S1, MUZ-S3, MUZ-S4, MUZ-S5, MUZ-S6, MUZ-S7 and MUZ-S11 as specified in the associated assessment criteria for the infringed standards;

~~3~~ 4. The extent of compliance with MUZ-S2;

4 5. The extent of compliance with MUZ-S8, MUZ-S9 and MUZ-S10 for any part of the building used for residential activities;

~~5~~ 6. The Centres and Mixed-Use Design Guide (excluding supermarkets); and

~~6~~ 7. The Residential Design Guides for any part of a building used for residential activities.

165. Kāinga Ora [391.631, 391.632] (supported by the Retirement Villages Association [FS126.159] and Ryman [FS128.159]) supports MUZ-R16 in part, particularly the preclusion of public and limited notified processes for resource consents. The submitter seeks amendments to this rule to remove direct reference to the Design Guides. Amendments are sought to articulate the urban design outcomes that are sought and to recognise changing amenity in accordance with the NPS-UD. Changes sought are as follows:

MUZ-R16.2 (Construction of, or additions and alterations to, buildings and structures)

2. Activity status: Restricted Discretionary

where:

a. Compliance with any of the requirements of MUZ-R16.1 cannot be achieved.

Matters of discretion are:

...

~~5. The Centres and Mixed-Use Design Guide; and~~

~~65. The Residential Design Guides for any part of a building used for residential activities. The extent to which the following centres and residential urban design outcomes are achieved where relevant:~~

~~a. Provides an effective public private interface;~~

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

~~c. Provides high quality buildings.~~

~~d. Respond to the natural environment.~~

~~Note: Acceptable means of compliance and best practice urban design guidance is contained within the Council's Design Guidelines.~~

...

166. Investore [405.80, 405.81] (supported the Retirement Villages Association [FS126.95, FS126.96] and Ryman [FS128.95, FS128.96]) seeks that MUZ-R16.2 is retained with amendment to remove the Design Guides as a matter of discretion and replaced with specific design outcomes that are sought.
167. Miriam Moore [433.16, 433.17, 433.19] is concerned that the planning maps show 12 to 15 metre height limits for the MUZ in Tawa, whereas MUZ-R16.2 sets height limits of 18 to 22 metres. She considers the MUZ in Tawa are well-suited to residential intensification and seeks clarification that all new residential development is subject to the heights specified in MUZ-S2.

Assessment

168. Regarding the submission from Restaurants Brands Limited [349.140] opposing the reference to the CMUDG within the matters of discretion, I support removing references to the Design Guides from the rules, on the basis that the rule framework is repetitious of the policy and the Design Guides need only be referenced at the policy level.
169. The requirement to address MUZ-P6 is captured at MUZ-R16.2.1 and including MUZ-R16.2.5 and MUZ-R16.2.6 introduces unnecessary repetition. Where a site contains a residential activity an assessment against MUZ-P5 is required, and as detailed at paragraph 110, I recommend the RDG is referenced in that policy. I note that this change is consistent with the framework in the residential zones and recommended changes to the rules for the CCZ and other CMUZ. As such, I recommend the submission point is accepted in part.

170. The change recommended above also addresses the submission point from Investore [405.80, 405.81] (supported by the Retirement Villages Association and Ryman [FS126.95, FS128.95, FS126.96, FS128.96]) insofar as direct references to Design Guides will be removed from MUZ-R16. I recommend these submission points are accepted in part. I do not consider the relief sought by the submitters with respect to adding design outcomes as matters of discretion is necessary, on the basis that Design Guide assessments will still be required under MUZ-P5 and MUZ-P6 (as applicable).
171. On the basis of the assessment and changes recommended at paragraphs 213 and 216-217 in the Overview and General Matters section of this report, I recommend that the relief sought by the Retirement Villages Association [350.267] is rejected.
172. As detailed at paragraph 235 of Part 2 (Metropolitan Centre Zone) of this report, 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, even when the building footprint is less than 500m² in area. As such, I recommend that the Woolworths submission point [359.73] (supported by Foodstuffs [FS23.16]) is rejected.
173. In relation to the submission points from Kāinga Ora submission points, I refer to my assessment at paragraph 237 of Part 2 of this report (in relation to the MCZ). For the same reasons, I recommend that the Kāinga Ora submission points [391.631, 391.632] and associated further submission points from the Retirement Villages Association [FS126.159] and Ryman [FS128.159] are accepted in part.
174. Regarding the submission from Miriam Moore [433.16, 433.17 and 433.18], I note that MUZ-S1 is the maximum height for a Permitted activity (excluding residential development) and MUZ-S2 is the maximum height for a Restricted Discretionary activity. MUZ-R16.2 applies when a building contains residential development, and MUZ-S2 sets the building height standard that will apply – being either 15 or 22 metres at the various Tawa MUZs. The 12 and 15 metre heights limits shown on the planning maps are correct, as these are the height available for a Permitted activity. While 18 to 22 metre heights are available where the requirements of MUZ-R16.1 are not met, a Restricted Discretionary resource consent will be required in order to be eligible for this additional height. For these reasons, no changes are recommended to MUZ-R16 or the planning maps as a result of this submission.

Summary of recommendations

175. HS4-P5-MUZ-Rec56: That MUZ-R16 (Construction of, or additions and alterations to, buildings and structures) is amended as detailed at Appendix A and shown below:

MUZ-R16 (Construction of, or additions and alterations to, buildings and structures)

1. Activity status: Permitted
Where:
 - a. Compliance with the following standards is achieved:
 - i. MUZ-S1;
 - ii. MUZ-S3;
 - iii. MUZ-S4;
 - iv. MUZ-S5;
 - v. MUZ-S6;
 - vi. MUZ-S7;
 - vii. MUZ-S11; and
 - b. The activity is not the construction of a new building for residential activities
2. Activity status: Restricted Discretionary
Where:
 - a. Compliance with any of the requirements of MUZ-R16.1 cannot be achieved.

Matters of discretion are :

1. The matters in MUZ-P2, MUZ-P5, MUZ-P6 and MUZ-P7;
2. The extent and effect of non-compliance with MUZ-S1, MUZ-S3, MUZ-S4, MUZ-S5, MUZ-S6, MUZ-S7 and MUZ-S11 as specified in the associated assessment criteria for the infringed standards;
3. The extent of compliance with MUZ-S2;
4. The extent of compliance with MUZ-S8, MUZ-S9 and MUZ-S10 for any part of the building used for residential activities;
- ~~5. The Centres and Mixed Use Design Guide; and~~
- ~~6. The Residential Design Guides for any part of a building used for residential activities.~~

Notification status:

An application for resource consent made in respect of rule MUZ-R16.2.a that results from non-compliance with MUZ-S4 or MUZ-S6 is precluded from being publicly or limited notified.

An application for resource consent made in respect of rule MUZ-R16.2.a that results from non-compliance with MUZ-S1 but that complies with both MUZ-S2 and MUZ-S3 is precluded from being publicly or limited notified.

176. HS4-P5-MUZ-Rec57: That submission points relating to MUZ-R18 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

177. In my opinion, the amendments to MUZ-R16 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The changes provide for MUZ-R16 to be simplified. It removes the direct references to the Design Guides from the rule and avoids repetition in the assessment process.
 - b. This change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
178. The recommended amendments will not have any greater environmental, social, economic or cultural effects than the notified provisions.

MUZ-R17 – Conversion of buildings or parts of buildings for residential activities

Matters raised by submitters

179. FENZ [273.286, 273.287] (opposed by Retirement Villages Association [FS126.40] and Ryman [128.40]) supports MUZ-R17 with amendments sought to include the necessity to connect to

three waters infrastructure, including for the purposes of firefighting. The submitter seeks the following change:

MUZ-R17 (Conversion of buildings or parts of buildings for residential activities)

Matters of discretion are:

...

3. The Residential Design Guide; and.

4. The extent to which the conversion enables the ground floor level to be used or adapted for future non-residential activities.; and

5. The availability and connection to existing or planned three waters infrastructure, including for firefighting purposes.

180. Kāinga Ora [391.633, 391.634] supports the rule in part and seeks that this is amended to remove direct references to the RDG and instead articulate the urban design outcomes sought. They seek that the rule is amended as follows:

MUZ-R17 (Conversion of buildings or parts of buildings for residential activities)

1. Activity status: Restricted Discretionary

Matters of discretion are:

1. The matters in MUZ-P2 and MUZ-P5;

2. The extent of compliance with standards MUZ-S8, and MUZ-S9 ~~and MUZ-S10~~;

3. ~~The Residential Design Guide~~ extent to which the following residential urban design outcomes are achieved:

a. Provides an effective public private interface;

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

c. Provides high quality buildings;

d. Responds to the natural environment; and

4. The extent to which the conversion enables the ground floor level to be used or adapted for future non-residential activities.

181. Investore [405.82] (supported by the Retirement Villages Association [FS126.97] and Ryman [FS128.97]) also seeks this change, on the basis that they consider the Design Guides should sit outside of the District Plan as reference documents. Further, Investore [405.83] (supported by the Retirement Villages Association [FS126.98] and Ryman [FS128.98]) seeks that the reference to the Residential Design Guide is replaced with matters of discretion that specify the design outcomes sought.

182. Miriam Moore [433.18] seeks clarification that all new residential development (including conversion) is subject to the heights specified in MUZ-S2.

Assessment

183. With respect to the submission points from FENZ [273.286, 273.287] (opposed by the Retirement Villages Association [FS126.40], Ryman [FS128.40]), I recommend that amendments are made to include the availability and connection to existing or planned three waters infrastructure, as this is consistent with other CMUZ and with the approach in the Three Waters (THW) chapter. I do not recommend that firefighting purposes be included as a matter of discretion on the basis that matters relating to fire-fighting services are provided for under the Building Code and should not be duplicated in the District Plan⁸.
184. I recommend that the submissions from Kāinga Ora [391.633, 391.634] and Investore [405.82, 405.83] (supported by the Retirement Villages Association [FS126.97, FS126.98] and Ryman [FS128.97, FS128.98]) are accepted in part. As discussed previously in this report, I recommend that MUZ-P5 is amended to refer to the RDG and that the Design Guides are not referred to in the rule framework. This avoids duplication in the rule, given there is already a requirement to consider MUZ-P5 as a matter of discretion under MCZ-R16 and MCZ-R17 where residential development is proposed. Given RDG and CMUDG assessments are required under the policies (MCZ-P5 and MCZ-P6 respectively), I do not consider it is necessary to add design outcomes to the rule. I do not agree with the amendment from Kāinga Ora that MUZ-S10 should be removed as a matter of discretion as minimum outlook space is a relevant consideration.
185. Regarding the submission from Miriam Moore [433.18], I note that MUZ-S2 does not apply to MUZ-R17 as this rule only applies in the case of conversion of existing buildings for residential activities. Should any construction works be required to achieve this conversion, MUZ-R16 would apply and the development would be eligible for the height limits at MUZ-S2. No changes are recommended as a result of this submission.

Summary of recommendations

186. HS4-P5-MUZ-Rec58: That MUZ-R17 (Conversion of buildings, or parts of buildings, to residential activities) is amended as detailed at Appendix A and shown below:

MUZ-R17 (Conversion of buildings or parts of buildings for residential activities)

1. Activity status: Restricted Discretionary

Matters of discretion are:

1. The matters in MUZ-P2 and MUZ-P5;

2. The extent of compliance with standards MUZ-S8, MUZ-S9 and MUZ-S10; and

~~3. The Residential Design Guide and~~

~~4. 3. The extent to which the conversion enables the ground floor level to be used or adapted for future non-residential activities-; and~~

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

187. HS4-P5-MUZ-Rec59: That submission points relating to MUZ-R17 are accepted/rejected as detailed in Appendix B.

⁸ [C5 Access and safety for firefighting operations | Building Performance](#)

S32AA Evaluation

188. In my opinion, the amendments to MUZ-R17 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The addition relating to the connection to existing or planned three waters infrastructure aligns with other zones.
 - b. 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.
189. The recommended amendments will not have any greater environmental, social, economic or cultural effects than the notified provisions.

MUZ-R18 – Outdoor storage areas

Matters raised by submitters

190. FENZ [273.288, 273.289] 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:

MUZ-R18 (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

191. Consistent with my recommendations in relation to the MCZ, LCZ and NCZ, I consider 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 [273.288, 273.289] are accepted.

Summary of recommendations

192. HS4-P5-MUZ-Rec60: That MUZ-R18 (Outdoor storage areas) is amended as detailed at Appendix A and shown below.

MUZ-R18 (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.

193. HS4-P5-MUZ-Rec61: That submission points relating to MUZ-R18 are accepted as detailed in Appendix B.

S32AA Evaluation

194. In my opinion, the amendment to MUZ-R18 is more appropriate in achieving the objectives of the District Plan than the notified provisions. The change will help to ensure that important emergency facilities are not blocked from access by fences or standalone walls.
195. The recommended amendments will not have any greater environmental, social, economic or cultural effects than the notified provisions.

MUZ-S1 – Maximum height for the purposes of MUZ-R16.1

Matters raised by submitters

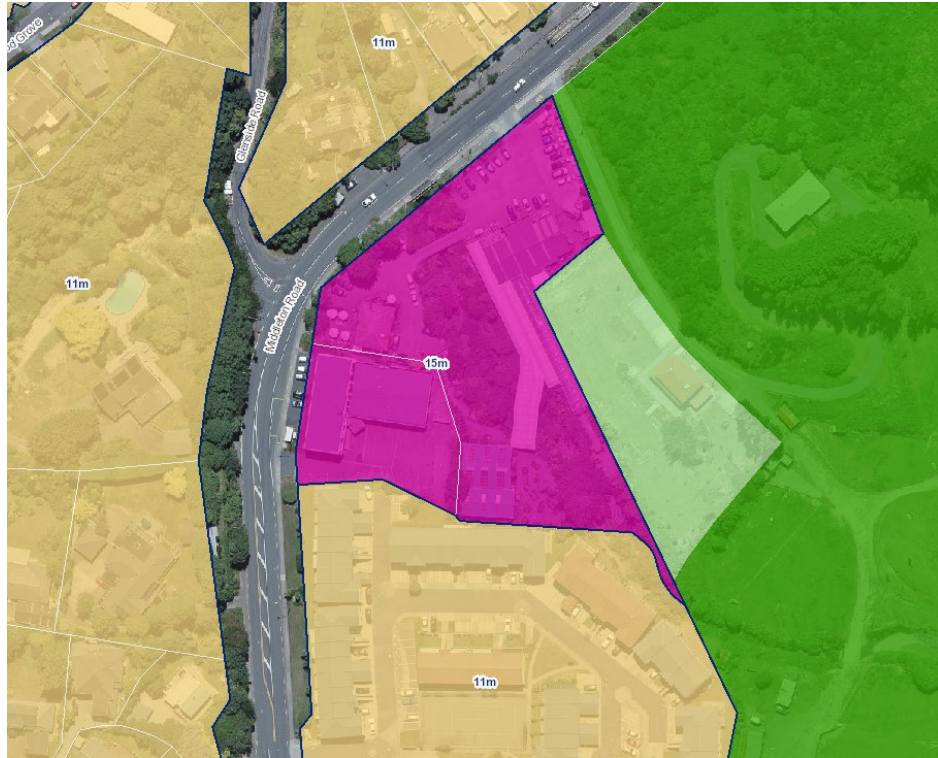
196. Restaurant Brands Limited [349.141] seeks that MUZ-S1 is retained as notified.
197. Tawa Residential Ventures Limited [71.1, 71.2] considers that 4 William Earp Place (Takapu Island) is suitable for multi-storey residential apartment development and seeks to amend the height control at MUZ-S1 for 4 William Earp Place from 12 to 21 metres.
198. Investore [405.9, 405.84, 405.85] considers that the height limit for the Takapu Island site should be increased to 18 metres and notes this height is appropriate having regard to the location of the site, and its boundaries with State Highway 1, Main Road and the railway line.
199. The MUZ that these submissions refer to is shown below:



PDP Zoning – Takapu Island

200. Tawa Business Group [107.19] and Wakefield Property Holdings Limited [108.1] seek to amend MUZ-S1 to increase the maximum permitted height within the MUZ in relation to the Tawa Junction site at 10 Surrey Street to 22 metres (creating a new 'Height control area 5' under MUZ-S1). The submitter considers this site is unique to other MUZ areas as it adjoins an HRZ, which has a permitted height of 21 metres.
201. Halfway House Heritage Gardeners [203.2, 203.3, 203.4] notes there is no mention of Glenside in MUZ-S1, which has a height of 15 metres on the planning maps. Regardless, the submitter seeks that the height control is removed and the maximum height remains at the ODP height of 8 metres. The submitter opposes the height controls for 236 and 238 Middleton Road on the basis that these sites do not meet the NPS-UD requirements for housing as they are not within the city centre or on a railway line, and there are no neighbourhood shops. The submitter also considers that the heights will impact on the reserve and garden and do not meet the requirements of documents such as Heritage Design Guide and Conservation Plan⁹.

⁹ Note, this is different to the summary of submission and the relief sought here is derived from the full submission (203).
 Proposed Wellington City District Plan 40 Section 42A Report – Commercial and Mixed Use Zones
 Part 5 – Mixed Use Zone



PDP Zoning – 236-238 Middleton Road

202. Rongotai Investments Limited [269.1] considers the Rongotai South MUZ height control limits to be inconsistent with the surrounding area and seeks to increase the Rongotai South MUZ Height Control A, B, C and D limits to 20 metres. The MUZ referred to in the submission is shown below:



PDP Zoning – Rongotai South

203. FENZ [273.290, 273.291] supports the standard in part, but seeks an exemption for hose drying towers associated with emergency service facilities in order to appropriately provide for the operational requirements of FENZ. These structures can be around 12 to 15 metres in height. They seek the following amendment:

MUZ-S1 (Maximum height for the purposes of MUZ-R16.1)

This standard does not apply to:

...

3. 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~~.

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

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

204. Kāinga Ora [391.635] (opposed by GWRC [FS84.44]) and [391.636] (supported by Polish Association in New Zealand Incorporated [FS88.1] and Rongotai Investments Limited [FS92.1], opposed by [FS84.45]), supports the standard in part, but considers amendments are required to MUZ-S1 to provide for building heights of at least 22 metres in all MUZ areas to provide appropriate levels of density. They also consider fence height should be enabled up to 2m.

205. The changes sought by Kāinga Ora are as follows:

MUZ-S1 (Maximum height for the purposes of MUZ-R16.1)

1. ~~The following maximum height limits above ground level must be complied with:~~
Buildings and structures must not exceed a maximum height of 22m above ground level.

~~Location~~

~~Limit~~

~~Height control area 1~~

~~Newtown South~~

~~Greta Point~~

~~Tawa South~~

~~Takapu Island~~

~~Tauhinu Road 12 metres~~

~~Rongotai South Mixed Use Zone Height Control A~~

~~Rongotai South Mixed Use Zone Height Control B~~

~~Shelly Bay~~

~~Tawa: Tawa Street~~

~~Height control area 2~~

~~Tawa Junction~~

~~Kaiwharawhara 15 metres~~

~~Kilbirnie North~~

~~Miramar – Park Road and Weka Street~~

~~Height control area 3~~

~~Rongotai South Mixed Use Zone Height Control B 16 metres~~

~~Rongotai South Mixed Use Zone Height Control C~~

~~Height control area 4~~

~~Miramar – Ropa Lane, Maupuia Road 18 metres~~

~~Ngauranga~~

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

Assessment

206. I agree with Tawa Business Group [107.19] and Wakefield Property Holdings Limited [108.1] that the site at 10 Surrey Street (Tawa Junction) is an appropriate location for increased building height. MUZ-S1 sets a building height of 15 metres but allows for up to 22 metres on this site where a development contains residential activity. This site is bounded by the railway corridor to the east and otherwise by HRZ, which has a 21 metre height limit. Given this context, I recommend that Tawa Junction is moved to Height Control Area 4 at MUZ-S1 (18 metres). A map showing this change is provided at Appendix 1 of this report (Part 5, Mixed Use Zone). No change to MUZ-S2 is required.
207. Tawa Residential Ventures Limited [71.2] seeks that the height of the MUZ at Takapu Island is increased to 22 metres, whereas Investore [405.9, 405.84, 405.85] considers that this should be increased to 18 metres. I agree that this site is suitable for increased height, as it is bounded by State Highway 1, Main Road and the railway line. The 12 metre height limit imposed by the PDP is a legacy from the ODP, which seeks to regulate development in this area so as not to undermine the Tawa town centre. I note that the ODP predates the NPS-UD, which requires that additional height is enabled. While there is MRZ land to the west of Takapu Island, this is separated from the MUZ by an expanse of Natural Open Space (NOSZ) that creates a

separation and visual buffer between the MUZ and the MRZ. I therefore recommend that Takapu Island is moved to Height Control Area 4 at MUZ-S1 (18 metres). A map showing this change is provided at Appendix 1 of this report (Part 5, Mixed Use Zone). No change to MUZ-S2 is required.

208. In response to Halfway House Heritage Gardeners [203.2, 203.3, 203.4], the height limit for 236-238 Middleton Road (aka Glenside) is 15 metres in the ODP, not 8 metres as stated in the submission. Regardless, I do not consider that reducing the height limit within the Glenside MUZ to 8 metres is appropriate as this would essentially 'down-zone' the site from its existing development potential. The MUZ anticipates a mixture of residential, commercial, light industrial, recreational, and other commercial activities. I am therefore of the opinion that the area can accommodate a 15 metre height limit, which will also allow for denser development within the area. Clarification of how the MUZ-S1 / MUZ-S2 standards apply is provided at paragraph 174 of this report. In my view it is not an error that Glenside has been included at MUZ-S2, noting that resource consent is required to achieve this building height.
209. Rongotai Investments Limited [269.1] seeks a blanket 20 metre height limit for Rongotai South Mixed Use Zone Height Control Areas A, B, C and D. These height control areas reflect the heights in Appendix 4 of ODP Chapter 34¹⁰. The height control areas seek to provide a transition to adjoining residential areas and ensure that development does not dominate Lyall Bay (within areas A and C). Additional height in this location is also restricted by the WIAL1 designation¹¹ and proximity to the Airport Control Tower at 1 George Bolt Street. Any increases in height would need to be supported by an assessment of the impact on the airport operations, which the submitter has not provided. For these reasons, I consider that the heights attributed to Height Control Areas A, B, C and D should remain as notified.
210. The submission from FENZ [273.290, 273.291] 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 be a permitted activity under MUZ-S1 except in sites located within Height Control Area 1 (which includes Newtown South, Greta Point, Tawa South, Takapu Island, Tauhinu Road, Rongotai South Mixed Use Zone Height Control Area A, Rongotai South Mixed Use Zone Height Control Area B, Shelly Bay and Tawa: Tawa Street). As the standard will only apply in limited circumstances, I do not consider it to be unduly onerous on the submitter. For consistency with other CMUZ, I recommend that the submission is rejected.
211. I recommend that the request from Kāinga Ora [391.635] (opposed by GWRC [FS84.44]) (supported by Polish Association in New Zealand Incorporated [FS88.1] and Rongotai Investments Ltd [FS92.1] opposed by [FS84.45]) for a blanket 22 metre high across all MUZ is rejected. The heights in the respective Height Control Areas have been applied on a site-specific basis to take into account the specific context of the site. The heights in the PDP will enable significant additional development potential and applying a blanket 22 metre height limit is not considered necessary. It is also noted that additional building height is available under MUZ-S2 where a building contains residential activities, subject to resource consent approval.

¹⁰ [v1chap34app.pdf \(wellington.govt.nz\)](#)

¹¹ [Proposed District Plan - Wellington City Proposed District Plan](#)

212. I disagree with the Kāinga Ora [391.636] request to increase to the height of a fence/standalone wall at MUZ-S2.2. The 1.8 metre fence height standard is applied across all CMUZ and is considered a suitable height to both achieve security and privacy within a site whilst preventing a large expanse of blank wall and fortress like appearance when the site is viewed from the street.

Summary of recommendations

213. HS4-P5-MUZ-Rec62: That MUZ-S1.1 (Maximum height) is amended as shown below and at Appendix A:

| | |
|--|-----------|
| MUZ-S1 (Maximum height for the purposes of MUZ-R16.1) | |
| 1. The following maximum height limits above ground level must be complied with: | |
| Location | |
| Limit | |
| Height control area 1 | |
| Newtown South | |
| Greta Point | |
| Tawa South | |
| Takapu Island | |
| Tauhinu Road | 12 metres |
| Rongotai South Mixed Use Zone Height Control A | |
| Rongotai South Mixed Use Zone Height Control B | |
| Shelly Bay | |
| Tawa: Tawa Street | |
| Height control area 2 | |
| Tawa Junction | |
| Kaiwharawhara | 15 metres |
| Kilbirnie North | |
| Miramar - Park Road and Weka Street | |
| Height control area 3 | |
| Rongotai South Mixed Use Zone Height Control B | 16 metres |
| Rongotai South Mixed Use Zone Height Control C | |
| Height control area 4 | |
| Miramar - Ropa Lane, Maupuia Road | 18 metres |
| Ngauranga | |
| Tawa Junction | |
| Takapu Island | |
| 2. Fences and standalone walls must not exceed a maximum height of 1.8 metres (measured above ground level). | |

214. HS4-P5-MUZ-Rec63: That submission points relating to MUZ-S1 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

215. In my opinion, the amendment to MUZ-S1 is more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that the change to enable increased permitted activity building heights in these areas within the MUZ will enable and increased scale of development and increased capacity while ensuring that development over this height will be subject to a resource consent.
216. The environmental, economic, social and cultural effects of the recommended amendments to MUZ-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 vibrancy 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. |

MUZ-S2 – Maximum height for the purposes of MUZ-R16.2

Matters raised by submitters

217. Restaurant Brands Limited [349.142] and Investore [405.86] support MUZ-S2 and seek it be retained as notified.
218. Tawa Business Group [107.20] and Wakefield Property Holdings Ltd [108.2] seeks that MUZ-S2 is retained as notified so that the Tawa Junction Height control remains 22 metres.
219. Taranaki Whānui [389.96] (opposed by Laurence Harger and Ingrid Kölle, Mary Varnham and Paul O'Regan, and Buy Back the Bay [FS2.11, FS40.11, FS79.53]) considers that the height control area being amended to 27 metres is appropriate for Shelly Bay Taikuru, as it is the maximum height of development with resource consent (SR No. 368659) and aligns with the 'Shelly Bay Masterplan' submitted with this application¹². The submitter seeks that in addition to amending the extent of the zoning of Shelly Bay Taikuru, that the height control area is amended to 27 metres in the area where the extended zone boundary applies.
220. Halfway House Heritage Gardeners [203.5, 203.6, 203.7] opposes the inclusion of Glenside in MUZ-S2, noting this appears to be a mistake as the height limit is 15 metres on the ePlan maps. Regardless, the submitter seeks that the height control is removed and is left at the ODP height of 8 metres.
221. Rongotai Investments Limited [269.2] considers the Rongotai South Mixed Use Zone Height Control limits to be inconsistent with the surrounding area and seeks that the Rongotai South Mixed Use Zone Height Control A, B, C and D be increased to 20m.
222. Kāinga Ora [391.637] opposes MUZ-S2 and seeks a single maximum height standard to apply to the zone through MUZ-S1. As such, the submission seeks that MUZ-S2 is deleted in its entirety.

Assessment

223. The extent of Shelly Bay Taikuru is addressed at paragraphs 43.iv of this report. In terms of the request from Taranaki Whānui [389.96] (opposed by Laurence Harger and Ingrid Kölle, Mary Varnham and Paul O'Regan, and Buy Back the Bay [FS2.11, FS40.11, FS79.53]) to amend the height control area, I assume this relates the extended area. While I have recommended at paragraph 43.iv that the zone is extended to avoid sites having a split-zoning, I do not support the height increase from 12 metres to 27 metres. The submitter has not provided any planning evidence or section 32 analysis to support this change. Given the location of the site, further intensification is not required in relation to the NPS-UD. I therefore recommend submission point 389.96 is rejected and the further submissions accepted in part. If the IHP is of a mind to extend the Shelly Bay Taikuru MUZ, then I recommend that the entirety of the area is within the same height control area (being Height Control Area 1 for the purposes of MUZ-S1 and Height Control Area 7 for the purposes of MUZ-S2). This would apply a 12 metre permitted height to the zone, with 27 metres available where residential development is provided (subject to resource consent for a Restricted Discretionary activity).

¹² [Service Requests \(pre 2022\) - Approved Plans Appendix 2 SHELLY BAY MASTERPLAN SR368659 p 13-07-2020 17-12-30-698000.pdf \(sharepoint.com\)](#)

224. In response to the Halfway House Heritage Gardeners [203.5, 203.6, 203.7], I disagree that there is an error in the standards. I refer to my previous explanation at paragraph 174 as to how this standard works with the MUZ rules. Essentially, to attain the 22.5 metre height at MUZ-S2 a resource consent will be required. As such, I do not recommend any changes to the PDP as a result of this submission.
225. I disagree with the change requested by Rongotai Investments Limited [269.2]. My reasons for this are set out at paragraph 209 above.
226. I disagree with Kāinga Ora [391.637] that MUZ-S2 should be deleted in its entirety. MUZ-S2 provides for additional building height for residential development and sets out the matters that developers and planners need to take into account when the height limits at MUZ-S1 are exceeded. Noting that I have recommended the blanket height requested by Kāinga Ora in relation to MUZ-S1 is not adopted into the District Plan, the retention of this standard enables the additional building height that they seek to achieve.
227. While I recommend no changes with respect to the submission points, I note that the reference in MUZ-S2 to Tawa – Redwood Avenue is a legacy from the ODP that has been retained in error. There is no such MUZ in the PDP and I recommend this is deleted.

Summary of recommendations

228. HS4-P5-MUZ-Rec64: That MUZ-S2 is amended as shown below and at Appendix A.

| | |
|---|-----------|
| MUZ-S1 (Maximum height for the purposes of MUZ-R16.2) | |
| ... | |
| Height control area 4 | 22 metres |
| Tawa: Tawa Junction | |
| Tawa: Redwood Avenue | |
| Tawa: Tawa Street | |
| ... | |

229. HS4-P5-MUZ-Rec65: That submission points relating to MUZ-S2 are accepted/rejected as detailed in Appendix B.

MUZ-S3 – Height in relation to boundary

Matters raised by submitters

230. Restaurant Brands Limited [349.143] supports MUZ-S3 and seeks that it is retained as notified.
231. Halfway House Heritage Gardeners [203.8] considers that the application of a recession plane standard to sites adjoining scheduled heritage¹³ will to some extent avoid the adverse effects of visual dominance. The submitter seeks to amend MUZ-S3 to 3 metres and 45 degrees for 236 Middleton Road and 238 Middleton Road.

¹³ Refer to Schedule 1 – Heritage Buildings, reference 439: [Proposed District Plan - Wellington City Proposed District Plan](#)

232. FENZ [273.292, 273.293] supports the standard in part but seek that it is amended as follows to provide an exemption for emergency facilities and associated hose-drying towers:

| |
|--|
| <p>MUZ-S3 (Height in relation to boundary)</p> <p>This standard does not apply to:</p> <p>...</p> <p>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</p> <p>e. Lift overruns, provided these do not exceed the height in relation to boundary by more than 1m measured vertically.; <u>and</u></p> <p><u>f. Emergency facilities up to 9m in height and associated hose drying towers up to 15m in height.</u></p> |
|--|

233. Kāinga Ora [391.638, 391.639] supports MUZ-S3 in part, but considers that amendments are needed to align with the changes they seek in relation to MUZ-S1 and MUZ-S2.

Assessment

234. I acknowledge that a HIRB provision would address concerns raised by Halfway House Heritage Gardeners [203.8] in relation to shading of the adjacent scheduled heritage building. The following table within MUZ-S3 specifies the HIRB requirements for a number of zones, but does not include reference to historic heritage.

| Location | Recession plane |
|--|--|
| Boundary adjoining any <u>site</u> within the MRZ with a <u>height</u> limit of 11m identified on the District Plan Maps | 60° measured from a <u>height</u> of 4m vertically above <u>ground level</u> |
| Boundary adjoining any <u>site</u> within the MRZ with a <u>height</u> limit of 14m identified on the District Plan Maps | 60° measured from a <u>height</u> of 5m vertically above <u>ground level</u> |
| Boundary adjoining any <u>site</u> within the HRZ | 60° measured from a <u>height</u> of 8m vertically above <u>ground level</u> |
| Boundary adjoining any <u>site</u> within an Open Space Zone | 60° measured from a <u>height</u> of 5m vertically above <u>ground level</u> |

235. I recommend an additional line is added to this table, with a HIRB that aligns with the open space zone (ie 60° measured from a height of 5 metres vertically above ground level).
236. For the reasons detailed at paragraph 210 of this report, in relation to building height (MUZ-S1), I recommend that the submission points from FENZ [273.292, 273.293] are rejected.
237. Kāinga Ora has not provided any details or planning analysis in respect to the changes they have requested. The Kāinga Ora submission points in relation to MUZ-S1 and MUZ-S2 seek increased building height across all MUZ. I have recommended at paragraphs 211 and 222 above that these changes are not accepted. As such, no consequential changes to MUZ-S3 are required and I recommend that the submission points [391.638, 391.639] are rejected.

238. Further to the submission points in relation to MUZ-S3, I note that there is an error in the PDP where the assessment criteria are referred to as ‘assessment xriteria’. I recommend that this typo is fixed.

Summary of recommendations

239. HS4-P5-MUZ-Rec66: That MUZ-S3 (Height in relation to boundary) is amended as set out below and at Appendix A.

| MUZ-S3 (Height in relation to boundary) | |
|--|--|
| Assessment criteria xriteria where the standard is infringed: | |
| | |
| Location | Recession plane |
| Boundary adjoining any <u>site</u> within the MRZ with a <u>height</u> limit of 11m identified on the District Plan Maps | 60° measured from a <u>height</u> of 4m vertically above <u>ground level</u> |
| Boundary adjoining any <u>site</u> within the MRZ with a <u>height</u> limit of 14m identified on the District Plan Maps | 60° measured from a <u>height</u> of 5m vertically above <u>ground level</u> |
| Boundary adjoining any <u>site</u> within the HRZ | 60° measured from a <u>height</u> of 8m vertically above <u>ground level</u> |
| Boundary adjoining any <u>site</u> within an Open Space Zone | 60° measured from a <u>height</u> of 5m vertically above <u>ground level</u> |
| <u>Boundary adjoining any site containing a scheduled heritage building</u> | <u>60° measured from a height of 5m vertically above ground level</u> |

240. HS4-P5-MUZ-Rec67: That submission points relating to MUZ-S3 are accepted/rejected as detailed in Appendix B.

MUZ-S4 – Minimum ground floor height

Matters raised by submitters

241. McDonald’s [274.42] considers the standards on minimum building height and minimum ground floor height are unnecessary and would be more appropriate to have within the Design Guides and/or as matters of discretion. The submitter seeks this standard is deleted in its entirety.
242. Restaurant Brands Limited [349.144] (supported by Foodstuffs [FS23.50]) also seeks that this standard is deleted in its entirety. The submitter is opposed to minimum floor-to-floor ceiling heights for new development. Foodstuffs [476.38] also seeks the deletion of MUZ-S4. They consider that standards requiring a minimum ground floor height are unnecessary and that it would be more appropriate to have these within the Design Guides and/or as matters of discretion.

Assessment

243. I acknowledge the submissions in opposition to the minimum ground floor height standard at MUZ-S3 McDonalds' [274.42], Restaurant Brands Limited [349.144] (supported by Foodstuffs [FS23.50]) and Foodstuffs [476.38]; however, I consider that this standard is appropriate as it facilitates high quality design outcomes. For example, the higher ground floor height provides for a better street frontage as it provides a 'base' to a building. It assists to enhance the quality of the interior by providing increased light, and ensures the building can be adapted to accommodate different uses over time. Additionally, retail and commercial uses require higher floor heights for services, meaning that not requiring this height will limit different uses that can occur there (specifically in terms of mechanical ventilation).

Summary of recommendations

244. HS4-P5-MUZ-Rec68: That MUZ-S4 (Minimum ground floor height) is confirmed as notified.
245. HS4-P5-MUZ-Rec69: That submission points relating to MUZ-S4 are accepted/rejected as detailed in Appendix B.

MUZ-S5 – Windows adjacent to residential zones

Matters raised by submitters

246. Restaurant Brands Limited [349.145] supports MUZ-S5 and seeks that this is retained as notified.
247. Kāinga Ora [391.640, 391.641] supports MUZ-S5 in part and seeks an amendment to exclude the provisions from applying to windows in residential units in the MUZ as the effects are comparable to those experienced between residential units in residential zones. The following changes are sought:

MUZ-S5 (Windows adjacent to Residential Zones)

1. Except for windows in a residential unit opaque privacy glazing must be installed in windows where:

- a. The associated building wall faces a site in any Residential Zone; and
- b. The wall is located within 5m of the boundary of a site in any Residential Zone.

Assessment

248. Regarding the submission from Kāinga Ora [391.640, 391.641], I agree that there should be an exemption for residential units. I agree with Kāinga Ora that the effects between residential units located adjacent to one another are the same regardless of the zone they are in. Furthermore, requiring residential units to have opaque windows will reduce the level of amenity available to the occupants of these units, including access to sunlight/daylight and outlook.

Summary of recommendations

249. HS4-P5-MUZ-Rec70: That MUZ-S5 (Windows adjacent to Residential Zone) is amended to provide an exemption for residential units, as shown below and at Appendix A.

MUZ-S5 (Windows adjacent to Residential Zones)

1. Except for windows in a residential unit Opaque privacy glazing must be installed in windows where:

- a. The associated building wall faces a site in any Residential Zone; and
- b. The wall is located within 5m of the boundary of a site in any Residential Zone.

250. HS4-P5-MUZ-Rec71: That submission points relating to MUZ-S5 are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

251. In my opinion, the amendment to MUZ-S5 is more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:

- a. The change will enable residential units to be constructed in a way that reflects their use.
- b. The change improves the amenity available to occupants of residential units on the development site.

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

MUZ-S6 – Maximum gross floor area of buildings

Matters raised by submitters

253. Restaurant Brands Limited [349.146] supports MUZ-S6 and seeks that this is retained as notified.
254. Woolworths [359.74] (supported by Foodstuffs [FS23.17]) considers MUZ-S6 should be amended to establish a baseline for the development of supermarket buildings in the MUZ, which is in line with the scale established under MUZ-R12. The submitter seeks the following changes:

MUZ-S6 (Maximum gross floor area of buildings):

1. Any building (except for supermarkets) must not exceed a maximum gross floor area of 500m².
2. Any supermarket building must not exceed a maximum gross floor area of 1500m²

255. Kāinga Ora [391.642] opposes MUZ-S6 as it constrains development and design flexibility, and it not clear what positive outcome it achieves. The submitter considers MUZ-R11 and MUZ-R12 provide limits for integrated retail activity and supermarket floor areas and so it is unclear on the purpose of this rule as it would unnecessarily constrain those developments. The submitter seeks this standard is deleted in its entirety.

256. VicLabour [414.38, 414.39, 414.40] considers the maximum permitted building area standard MUZ-S6 may not be reasonable and should be extended or removed in order to support greater density and further development in these areas. The submitter notes that cost efficiencies can occur with larger scale developments, and that these can provide for a range of housing types, as well as more shared spaces and facilities. The submitter considers MUZ-S6 should be deleted or the permitted GFA increased.
257. Willis Bond [416.104, 416.105] also considers MUZ-S6 should be deleted or the GFA increased on the basis that 500m² is a very low GFA and will hinder development.

Assessment

258. Regarding the submissions relating to a separate, larger GFA for supermarkets, I note that the GFA in MUZ-R12 relates to the activity of the supermarket. Conversely, MUZ-S6 becomes relevant when a building is constructed, altered or added to. I consider that the requested amendment from Woolworths [359.74] is unnecessary, given that these will be beneficial to assist in avoiding any doubt that MUZ-S6 is not intended to apply to supermarkets.
259. I do not agree with the requests from Kāinga Ora [391.642], VicLabour [414.38, 414.39, 414.40] and Willis Bond [416.104, 416.105] to delete MRZ-S6 altogether. I believe MRZ-S6 is necessary to ensure that there is a mix of densities within the MUZ and that very large buildings do not dominate the zone but rather a mixture of densities is achieved, as suggested by the zone name. I note that the standard does not prevent larger floor area buildings from occurring within the MUZ. Larger floor areas can be achieved with resource consent.
260. I also note that the PDP provisions are more enabling for permitted building development than other plans, such as the Auckland Unitary Plan, where all new buildings in the MUZ require a restricted discretionary resource consent focussed on buildings design.

Summary of recommendations

261. HS4-P5-MUZ-Rec72: That MUZ-S6 (Maximum gross floor area of buildings) is confirmed as notified.
262. HS4-P5-MUZ-Rec73: That submission points relating to MUZ-S6 are accepted/rejected as detailed in Appendix B.

MUZ-S7 – Verandah control

Matters raised by submitters

263. Restaurant Brands Limited [349.147] seeks that MUZ-S7 is retained as notified.
264. Z Energy Limited [361.64, 361.65, 361.66] considers that MUZ-S7 should be amended to provide an exemption where there is a functional requirement for a building not to contain a verandah. They seek the following changes:

MUZ-S7 (Verandah control)

Option A

1. Except where there is a functional requirement for a building to not contain a verandah, any verandah constructed on any building frontage facing a public space, including roads, must:

...

Option B

...

This standard does not apply to:

a. Service stations.

Assessment

265. I accept the submission by Z Energy [361.64, 361.65, 361.66] 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. Consistent with my assessment in relation to other CMUZ, I am concerned that if the clause suggested at Option A was included in the standard it would create uncertainty and result in lost opportunities to achieve verandah cover within the MUZ; however, I consider the change requested at Option B is acceptable.

Summary of recommendations

266. HS4-P5-MUZ-Rec74: That MUZ-S7 (Verandah control) is amended to provide an exemption for service stations, as shown below and at Appendix A.

MUZ-S7 (Verandah control)

...

This standard does not apply to:

a. Service stations.

267. HS4-P5-MUZ-Rec75: That submission points relating to MUZ-S7 are accepted as detailed in Appendix B.

MUZ-S8 – Minimum residential unit size

Matters raised by submitters

268. Kāinga Ora [391.643, 391.644] supports MUZ-S8 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:

MUZ-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 | 30 5m ² |
| b. 1 <u>or more</u> bedroom unit | 40m ² |
| c. 2+ bedroom unit | 55m ² |

269. Willis Bond [416.106, 416.107] opposes MUZ-S8 on the basis that:
- Minimum residential unit sizes restrict the ability of developers to provide affordable housing choices and a diverse range of housing that meets market demands.
 - Occupiers are well-equipped to make their own decisions as to the type and size of dwelling.
 - Health, fire egress and overcrowding issues that arise from small sized dwellings are best dealt with by other legislation (e.g. Building Act 2004, Housing Improvement Regulations 1947, Residential Tenancies Act 1986).
 - Minimum unit sizes do not reflect the policy in MUZ-P1 to offer a range of housing price, type, size and tenure.
270. For the above reasons Willis Bond seeks that the standard is deleted or that, if the Council decides to retain minimum residential unit sizes, the standard should clearly identify that hotel accommodation, student accommodation and other similar accommodation types are distinct from residential unit sizes.

Assessment

271. In response to the submission points from Kāinga Ora [391.643, 391.644], I refer to my assessment at paragraphs 328 to 331 of Part 2 (Metropolitan Centre Zone) of this report 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, and my recommendations with respect to the LCZ, NCZ and COMZ, I recommend that these submission points are rejected.
272. Likewise, I disagree with Willis Bond [416.106, 416.107] that the standard should be deleted in its entirety. I recommend their request for an exemption for other accommodation types such as hotel accommodation and student accommodation is rejected, on the basis that students and other long term residents should be provided with quality living space to achieve the benefits described at paragraph 331 of Part 2 (Metropolitan Centre Zone). I am less concerned about short-stay hotel accommodation; however, note that failure to meet the standard only means that an assessment of the unit size will be made at the resource consent stage. The use of the building will be taken into account and a smaller unit size may be deemed appropriate for such uses.

Summary of recommendations

- 273. HS4-P5-MUZ-Rec76: That MUZ-S8 (Minimum residential unit size) is confirmed as notified.
- 274. HS4-P5-MUZ-Rec77: That submission points relating to MUZ-S8 are rejected as detailed in Appendix B.

MUZ-S9 – Outdoor living space for residential units

Matters raised by submitters

- 275. The Retirement Villages Association [350.268] opposes MUZ-S9 and seeks amendment to exclude retirement villages.
- 276. Kāinga Ora [391.645] supports MUZ-S9 and seeks that it is retained as notified.
- 277. Willis Bond [416.108] opposes MUZ-S9 for the same reasons as their opposition for MUZ-S8. The submitter seeks that MUZ-S9 is deleted in its entirety.

Assessment

- 278. The submission points from the Retirement Villages Association are addressed in the Overview and General Matters section of this report, where it is noted that retirement villages are residential activities. I disagree that there should be an exemption from the requirement to provide outdoor living space for retirement villages, noting that 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.
- 279. As discussed at paragraph 339 of Part 2 (Metropolitan Centre Zone) of this report, in my view the standard is not ambiguous with respect to whether private or communal space should be provided. The intent is that either of these options is available to a developer, or a combination of the two.
- 280. Further to this, for consistency with my recommendations in relation to the MCZ, NCZ, LCZ and COMZ, and Mr Patterson's recommendations in relation to the HRZ and MRZ, I recommend table at MUZ-S9 is amended as detailed in my Summary of Recommendations below.
- 281. I disagree with Willis Bond [416.108] that MCZ-S9 should be deleted its entirety as this standard seeks to provide on-site amenity for residential occupants of sites in the MUZ.

Summary of recommendations

- 282. HS4-P5-MUZ-Rec78: That MUZ-S9 (Outdoor living space for residential units) is amended to align with the changes to the City Centre Zone, Metropolitan Centre Zone, Local Centre Zone, Neighbourhood Centre Zone, High Density Residential Zone and Medium Density Residential Zone, as shown at Appendix A and in the text box below.

MUZ-S9: (Outdoor living space for residential units)

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 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> | | |

283. HS4-P5-MUZ-Rec79: That submission points relating to MUZ-S9 are accepted/rejected as detailed in Appendix B.

S32AA Assessment

284. In my opinion, the amendment to MUZ-S9 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.
285. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

MUZ-S10 – Minimum outlook space for multi-unit housing

Matters raised by submitters

286. The Summary of Submissions includes an inferred submission point stating that Willis Bond [416.109] seeks that MUZ-S10 is deleted.

Assessment

287. For the same reasons as detailed at paragraph 350 of Part 2 (Metropolitan Centre Zone) I recommend that the minimum outlook space standard is retained within the MUZ. While it is not clear if Willis Bond seeks a change or not, I recommend that this standard is retained in the MUZ for consistency with the other CMUZ.

Summary of recommendations

288. HS4-P5-MUZ-Rec80: That MUZ-S10 (Minimum outlook space for multi-unit housing) is confirmed as notified.
289. HS4-P5-MUZ-Rec81: That submission points relating to MUZ-S10 are rejected as detailed in Appendix B.

MUZ-S11 – Lyall Bay Parade frontage control

Matters raised by submitters

290. Yvonne Weeber [340.105] supports MUZ-S11 and seeks that it is retained as notified.
291. Willis Bond [416.110] considers there should be more flexibility to breach the standard where the overall design has a positive effect on the streetscape. The submitter seeks the following amendments:

MUZ-S11 (Lyall Bay Parade frontage control)

1. New buildings built on a site adjoining the Open Space Zone and Recreation Zoned land fronting Lyall Parade must be built in alignment with the existing Lyall Parade street frontage or otherwise enhances the streetscape; and

...

Assessment

292. Regarding the submission point from Willis Bond [416.110] I consider the suggested amendment would add uncertainty to the standard by creating an ambiguous design standard. The purpose of the standard is to ensure the consistent alignment of buildings along this frontage is maintained. I recommend that this submission is rejected.

Summary of recommendations

293. HS4-P5-MUZ-Rec82: That MUZ-S11 (Lyll Bay Parade frontage control) is confirmed as notified.
294. HS4-P5-MUZ-Rec83: That submission points relating to MUZ-S11 are accepted/rejected as detailed in Appendix B.

6.0 Proposed Additional Mixed Use Zone Provisions

Matters raised by submitters

295. The Retirement Villages Association [350.259, 350.260] seeks a new policy that supports retirement villages within the MUZ. They request the following policy be added to the District Plan:

MUZ-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.

296. The Retirement Villages Association [350.261] considers that as currently drafted, retirement villages would be a permitted or discretionary activity under the 'residential activities' rule of the MUZ. The submitter seeks that a new rule is inserted that permits retirement villages as an activity as follows:

MUZ-Rx: Retirement villages

1. Activity status: Permitted

297. FENZ [273.279] seeks a new policy that focuses on quality design outcomes within the MUZ specifically, as per the other CMUZ within the PDP. The submitter seeks that, in accordance with the relief they seek with respect to the equivalent CMUZ policies, the MUZ policy should include reference to accessibility for emergency service vehicles.

MUZ-Px: Quality Design Outcomes

Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of Mixed Use Zone by ensuring that it, where relevant:

...

298. Corrections [240.43] requests that the following new permitted activity rule applying to “supported residential care activities” is added if the definition of “supported residential care activity” is retained.

MUZ-Rx: Supported residential care activities

1. Activity status: Permitted

Where:

- a. The activity is located above ground floor level; and
- b. The maximum occupancy does not exceed 10 residents.

2. Activity status: Restricted Discretionary

Where:

- a. Compliance with the requirements of MUZ-Rx.1.a cannot be achieved.

Matters of discretion are:

- 1. The matters in MUZ-P1, MUZ-P2 and MUZ-P5;
- 2. The extent to which the activity is the most appropriate to meet Wellington's future growth needs;
- 3. The compatibility with existing activities nearby and other activities provided for in the Mixed Use Zone;
- 4. The effect on the visual quality of the streetscape and the extent to which the development contributes to or detracts from the pedestrian environment; and
- 5. The extent to which the activity enables or limits adaptability for future non-residential activity at ground floor level.

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

3. Activity Status: Restricted Discretionary

Where:

- a. Compliance with the requirements of MUZ - Rx.1.b cannot be achieved.

Matters of discretion are:

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

Notification status: An application for resource consent made in respect of rule MUZ - RX. 3.a is precluded from being publicly notified.

299. Kāinga Ora [391.613] considers that a new rule should be added permitting industrial activities except heavy industrial activities, which should require resource consent as a Non-Complying Activity to give effect to MUZ-P2 and MUZ-P4. Kāinga Ora seeks the addition of a new 'Industrial activities' rule in the MUZ as follows:

MUZ-Sx: Industrial Activities

1. Activity status: Permitted

where:

a. The activity is not a heavy industrial activity.

2. Activity Status: Non-complying

where:

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

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

300. KiwiRail [408.127] (opposed by Kāinga Ora [FS89.38]) considers that building setbacks are essential to address significant safety hazards associated with the operational rail corridor. Parts of the KiwiRail network adjoin commercial and MUZ that do not currently include provision for boundary setbacks for buildings and structures. The submitter seeks the addition of a new standard as follows:

MUZ-Sx: 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.

Assessment

301. I have discussed the request from the Retirement Villages Association for a policy and rule framework specific to retirement villages in Overview and General Matters of this section 42A report and recommended changes in this respect. As such, no further assessment of the submission points 350.259, 350.260, 350.261 is required in this report. I recommend that these submissions are rejected.
302. In response to the request from FENZ [273.279] for a new policy for ‘Quality Design Outcomes’, MUZ-P6 (Design of new development) covers the standard of design, noting it should reflect the diverse neighbourhood context of the MUZ. I note this could encompass whether it is accessible for emergency service vehicles and do not recommend any changes to this policy as a result of this submission.
303. Mr McCutcheon has addressed the submission points from Corrections [240.43] requested a new permitted activity rule for ‘supported residential care activities in his Right of Reply for Hearing Stream 1¹⁴, where he recommended that the definition of ‘supported residential care’ activity be removed from the PDP.

¹⁴ [Council Officers right of reply - Hearing stream 1 \(wellington.govt.nz\)](https://www.wellington.govt.nz/council-officers-right-of-reply-hearing-stream-1)

304. Kāinga Ora [391.613] have requested a new rule that permits industrial activities except heavy industrial activities, which they contend should require resource consent as a non-complying activity. As noted in their submission, this would give effect to MUZ-P2 and MUZ-P4. I recommend that this rule be added as detailed in my Summary of Recommendations below. While MUZ-P4 seeks to avoid heavy industrial activities in the MUZ, smaller scale industrial activities may be appropriate and at present there is no rule framework to support these.
305. With respect to the request from Kiwirail [408.127] for 5 metre building setbacks, I note that Mr Patterson has recommended a 1.5 metre setback in his section 42A report for the residential zones. I agree with Mr Patterson in this respect and recommend a new standard requiring a 1.5 metre setback from the rail corridor for all buildings and structures in the MCZ, with a corresponding matter of discretion to be added to MUZ-R16. This is shown in my Summary of Recommendations below. Consequently, I recommend that the KiwiRail submission point [408.127] is accepted in part and the further submission [FS89.38] is rejected.

Summary of recommendations

306. HS4-P5-MUZ-Rec84: That a new 'Industrial activities' rule is added to the MUZ policy framework, as detailed at Appendix A and shown below.

MUZ-Rx: Industrial Activities

1. Activity status: Permitted

where:

a. The activity is not a heavy industrial activity.

2. Activity Status: Non-complying

where:

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

307. HS4-P5-MUZ-Rec85: That any new provisions set out at HS4-Overview-Rec31 to HS4-Overview-Rec36 applicable to the Mixed Use Zone are incorporated into the District Plan.

MUZ-Sx: Boundary setbacks

Buildings or structures must be set back from the rail corridor boundary by a minimum distance of 1.5 metres.

308. HS4-P5-MUZ-Rec86: That submission points requesting new MUZ provisions are accepted/rejected as detailed in Appendix B.

S32AA Evaluation

309. In my opinion, the changes set out above are more appropriate in achieving the objectives of the District Plan than the notified provisions. In particular I consider that:

- a. The provisions will help ensure the efficient maintenance, development and operation of the rail network;
 - b. Increase policy alignment between the purpose of the mixed use zone and the range of activities provided for within it; and
 - c. Increase consistency and alignment with the policy direction of the centres and general industrial zone as suite.
310. The recommended amendments will not have any greater social or cultural effects than the notified provisions.
311. There may be minor positive environmental effects by increasing the stringency of assessment where industrial activities are proposed to be located within the same area as sensitive activities (which is an outcome possible in the MUZ).
312. There may be minor economic effects by reducing the area of land to which heavy industrial activities are envisaged to essentially just the General Industrial Zone, but I consider that this is appropriate given the potential effects of such activities on sensitive uses (which aren't envisaged in the General industrial Zone).
313. Accordingly, I consider that recommended provisions are more efficient and effective than the notified provisions in achieving the objectives of the District Plan.

7.0 Minor and Inconsequential Amendments

314. 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.
315. 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.
316. The changes detailed in this report will require the renumbering of the MUZ policies and rules (to accommodate the new provisions set out at Section 6.0 above).
317. 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.

8.0 Conclusion

318. Submissions have been received in support and opposition to the Mixed Use Zone provisions of the PDP.
319. 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.

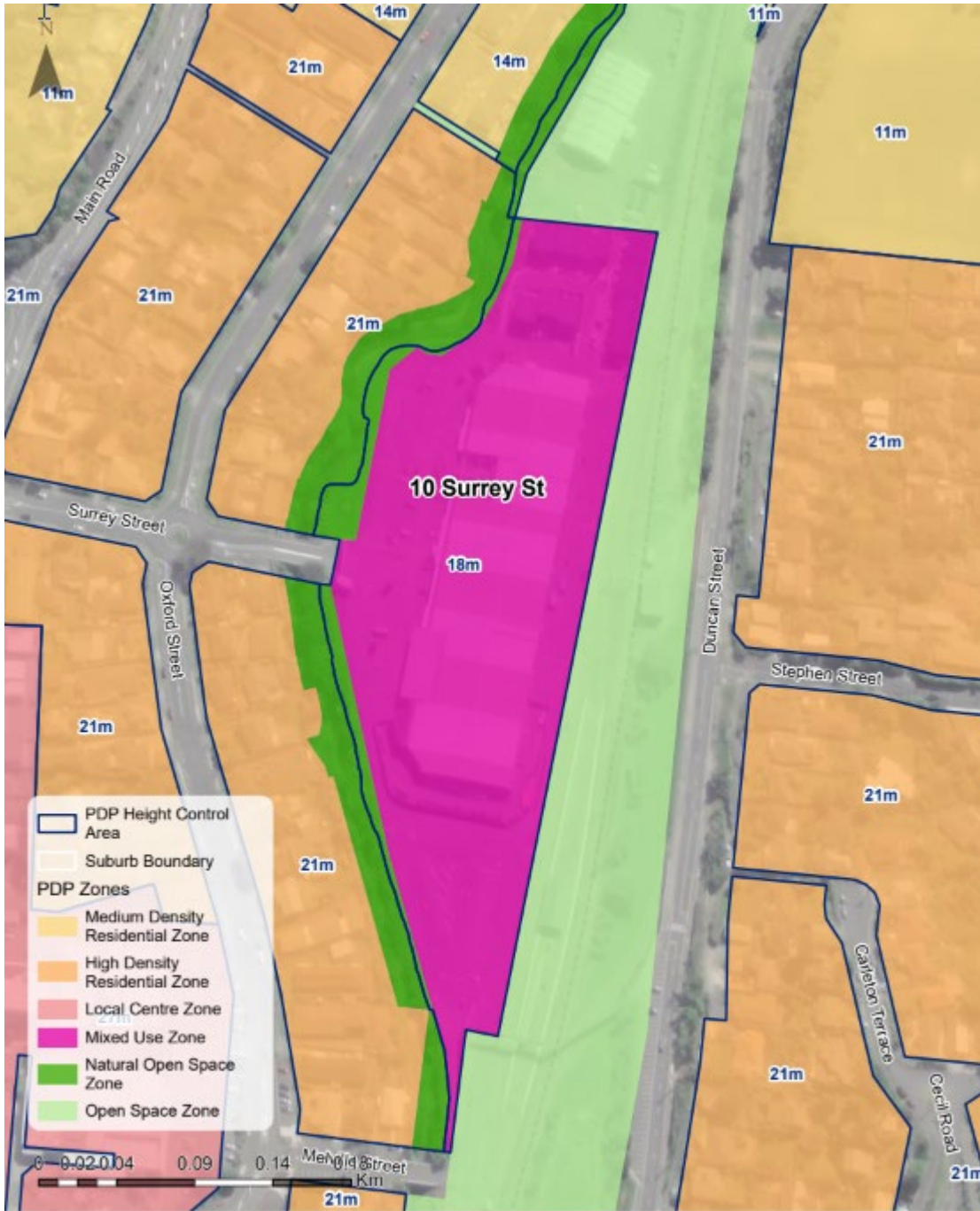
320. For the reasons set out in the Section 32AA evaluations included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is 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.

9.0 Recommendations

321. 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 Mixed Use Zone

- i. Proposed Zone Changes for 10 Surrey Street
- ii. Proposed Height Control Area Changes for William Earp Place



Proposed Zone Changes for 10 Surrey St, Tawa

This map shows the height control changes for 10 Surrey St, Tawa. It is proposed that the the height control changes from 15m to 18m.

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

Date: 24/05/2023
 Contact: District.Plan@wcc.govt.nz

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Proposed Height Control Area Changes for William Earp Place

This map shows the proposed height control changes for William Earp Place. It is proposed that the height control changes from 12m to 18m.

Date: 24/05/2023
 Contact: District.Plan@wcc.govt.nz

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

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