

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
AT WELLINGTON**

**IN THE MATTER OF**

the Resource Management Act 1991

**AND**

**IN THE MATTER OF**

of the hearing of submissions on  
Wellington Proposed District Plan

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**STATEMENT OF EVIDENCE OF JOE JEFFRIES  
ON BEHALF OF STRIDE INVESTMENT MANAGEMENT LIMITED  
(SUBMITTER 470) AND INVESTORE PROPERTY LIMITED  
(SUBMITTER 405)**

**Planning**

**HEARING STREAM 4 – METROPOLITAN CENTRE ZONE**

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## 1 INTRODUCTION

- 1.1 My name is Joe Jeffries. I am an Associate at Barker & Associates, an independent, specialist planning consultancy with offices throughout New Zealand, including Wellington where I am based. I have been in this position since July 2021.
- 1.2 I have a Master of Planning Practice (Hons) from the University of Auckland, and a Bachelor of Arts from the University of Otago. I am an Intermediate member of the New Zealand Planning Institute.
- 1.3 I have over ten years of experience in planning policy and have provided evidence as an expert planning witness on behalf of councils and central government throughout New Zealand. In my current position I have provided expert evidence on behalf of Kāinga Ora on the Proposed Selwyn District Plan on the natural hazards, commercial and mixed use, residential zones, and rezoning topics. I have also provided expert evidence on behalf of Stride Investment Management Limited (Stride) and Investore Property Limited (Investore) for Hearing 1 of the Wellington Proposed District Plan, and for Hutt City Council's intensification plan change PC56.
- 1.4 Prior to my current position I was employed as a Senior Policy Planner at Hutt City Council. I was Hutt City Council's lead planner on Plan Change 43 – a full review of the Residential Chapter of the District Plan. This included preparing the section s42a report, acting as the reporting planner through the hearings, and leading Environment Court mediation for Council. I also worked on the early stages of the development of the Hutt City District Plan Review including the response to the National Policy Statement on Urban Development 2020 (NPSUD).
- 1.5 I worked as a Policy Planner for Auckland Council between 2012 and 2017. In this position, I gave evidence as an expert witness on the Auckland Unitary Plan on the Precincts and Rural Urban Boundary topics.

## 2 CODE OF CONDUCT

- 2.1 I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it. My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

## 3 SCOPE

- 3.1 This statement of evidence is presented on behalf of Stride and Investore. This evidence addresses Stride and Investore's submission points on the Metropolitan Centre zone (MCZ) of the Wellington Proposed District Plan (PDP), as they relate to the recommendations of the relevant Section 42A reports on the PDP.
- 3.2 I was involved with the preparation of primary and further submissions for Stride and Investore.
- 3.3 In preparing my evidence, I have reviewed:
  - (a) The Proposed District Plan;
  - (b) The accompanying s32 report;

- (c) The Overview and General Matters s42A report;
- (d) The MCZ s42A report;
- (e) Urban Design evidence of Dr Farzad Zamani;
- (f) Economic evidence of Kirdan Lees;
- (g) The statement of evidence of Cameron Wallace (urban design);
- (h) The statement of evidence of Jarrod Thompson;
- (i) The statement of evidence of Mark Georgeson (transport); and
- (j) The statement of evidence of Tim Heath (economics).

3.4 This statement of evidence addresses the following issues:

- (a) The City Outcomes Contributions; and
- (b) The MCZ policies including MCZ-P1, MCZ-P3, MCZ-P7, MCZ-P9; and
- (c) The MCZ rules including MCZ-R13, MCZ-R15, MCZ-R19; and
- (d) The MCZ standards including MCZ-S1, MCZ-S2, MCZ-S6, MCZ-S7, MCZ-S10, MCZ-S11.

3.5 I am also preparing a s32AA analysis to address the amendments sought in Appendix 1. I will provide this separately as soon as possible.

#### 4 **Overview**

5 The Stride and Investore (the submitters) submissions support the PDP in part, particularly to the extent that it enables well-functioning urban environments in accordance with objective 1 of the NPSUD. The submitters seek a number of amendments to PDP to better give effect to the NPSUD.

#### 6 **CITY OUTCOMES CONTRIBUTION**

6.1 The Stride and Investore submissions oppose the City Outcomes Contributions and seek their deletion. Stride and Investore also seek the deletion of MCZ-P10 which provides the overriding policy on the City Outcomes Contribution.

6.2 The Stride submission states the following regarding City Outcomes Contributions:

Stride is opposed to the 'City Outcomes Contributions' provisions, and specifically is opposed to requiring 'City Outcomes Contributions' for 'over height' development. While Stride recognises the intent of these provisions in providing publicly beneficial outcomes, it is inappropriate for the provision of these publicly beneficial outcomes to be connected to non-compliance with height rules. Developments that breach height standards should instead be considered on their own merits and effects. The provision of beneficial outcomes in any development should be considered as part of the merits of a development, and should not be confined to a specified and required list.

- 6.3 The City Outcomes Contributions are addressed in the Overview s42A report. The reporting officer rejects these submissions and supports the retention of the City Outcomes. The s42A report recommends amending the City Outcomes to provide greater clarity by reducing the trigger points to 'over and under height' development, and by moving the City Outcomes from the design guides to an appendix within the District Plan.
- 6.4 I agree with the supporting officer that taller buildings have potential to create adverse effects. I also agree that the City Outcomes are seeking to provide publicly beneficial outcomes. However, I do not agree that the two are inherently connected, or that the outcomes sought address the specific potential effects of taller buildings.
- 6.5 I also do not agree that it is accurate to characterise the City Outcomes as 'incentives'. They may have the opposite effect of disincentivising taller buildings, that may otherwise be considered acceptable based on an assessment of effects. In this sense I consider that it would be more appropriate for taller buildings to be assessed on the basis of their effects, and for the City Outcomes mechanism to assess the positive outcomes provided by a development as a separate matter in an overall assessment.
- 6.6 Acknowledging the history of the Design Excellence mechanism in the Operative District Plan and the political support for the City Outcomes, I consider that there are a number of amendments that would improve the functionality, clarity and provision of the City Outcomes if they are to be retained.
- 6.7 I support the s42A amendments to the City Outcomes in part, particularly the reduction in trigger points, and moving the City Outcomes from the design guides to within the District Plan. However, despite these amendments the City Outcomes remain complex, uncertain, and highly subjective.
- 6.8 The statements of evidence of Jarrod Thompson and Cameron Wallace also raise a number of issues with the City Outcomes mechanism recommended in the s42a report from a commercial and urban design lens respectively. I concur with these statements and have relied on them in forming my position.
- 6.9 As noted in Mr Thompson's statement the following features of the City Outcomes create uncertainty and are likely to limit uptake by developers:
- (a) Green Star ratings are not awarded until after practical completion of a building, it is therefore not possible to allocate points for a Green Star rating as part of a resource consent application.
  - (b) There is no objective criteria for how points will be awarded. Many matters in the table are subjective, and so it would be difficult to design a building to have certainty it would achieve the necessary points for the additional height sought.
  - (c) It is unclear how many points a number of outcomes would achieve, or how matters will be weighted. For example, providing a lane-way or reducing embodied carbon could score anywhere between 1-10 points, and communal gardens, public toilets or seismic measures could score between 1-5 points.
- 6.10 In my opinion the high degree of uncertainty in the City Outcomes, and the potential for cost intensive delays in assessing City Outcomes in a resource consent application before finalising the design of a building, is likely to lead to low uptake of the City Outcomes from developers. This will result in unnecessarily constraining development of taller buildings while achieving

none of the positive outcomes intended by the concept. This would not give effect to the outcomes sought in the NPSUD.

- 6.11 In my opinion the City Outcomes would provide greater certainty if they were brought into the policy framework of the plan and re-framed as an assessment of the positive effects of development. Additionally, I note that ‘assisted housing’ is one of the ways in which a development may contribute to affordable housing but there are other ways in which development may contribute to affordable housing. For example, by increasing the overall supply of dwellings or by increasing the number of dwellings delivered at more affordable price points. In my view the City Outcomes would benefit from a broader assessment of the potential contribution to affordable housing of a development, rather than one that is limited to ‘assisted housing’.
- 6.12 To address the issues identified above and in the statements of evidence of Jarrod Thompson and Cameron Wallace I recommend making the following changes to the s42a report version of the City Outcomes Contributions system:
- (a) Delete Appendix 16.
  - (b) Amend MCZ-P10 as set out in Appendix 1.
  - (c) Make consequential amendments to MCZ-R20 as set out in Appendix 1.

## **METROPOLITAN CENTRE ZONE**

### ***References to design guides***

- 6.1 The Stride and Investore submissions seek amendments to the MCZ provisions to remove references to the design guides and replace these with the specific design outcomes sought. This is consequential to submission points seeking that the design guides are provided as reference documents outside the plan rather than within the district plan. I support these submission points and consider it would provide greater clarity and certainty around the outcomes sought. However, as the design guides are to be addressed through later hearings, I intend to address this issue in more detail in a subsequent statement of evidence.

### ***MCZ-P1***

- 6.2 The Stride and Investore submissions are opposed to references in the policy to undermining the viability and vibrancy of the City Centre zone (CCZ) on the basis that metropolitan centres fulfil a different purpose and are of an entirely different scale to the CCZ.
- 6.3 In the s42A report the reporting officer states the following with regard to MCZ-P1.1:
- Consequently, I agree with the relief sought by McDonald’s, Kāinga Ora, Investore, Stride and Foodstuffs [274.42, 274.44, 391.54, 405.95, 405.96, 470.28, 476.40] with respect to MCZ-P1 and recommend that this is amended as detailed in my Summary of Recommendations below. I note that there is still a requirement at MCZ-P3 with respect to maintaining the vibrancy of the MCZ itself, which I recommend is retained. In my view this is a separate issue, as it relates to the MCZ rather than the effects on the MCZ on the CCZ.
- 6.4 I support the amendment to MCZ-P1.1 as sought in the submission and recommended to be amended by the reporting officer. This amendment ensures development in the Metropolitan

Centres is able to be considered in its own right without the additional administrative burden of potentially requiring assessments of effects on the City Centre.

### ***MCZ-P3***

6.5 The Stride and Investore submissions seek to delete MCZ-P3, or alternatively Stride seeks amendments to delete reference to effects on “the viability and vibrancy of centres” for the same reasons as the amendments sought to MCZ-P1.

6.6 In the s42A report the reporting officer states the following with regards to MCZ-P3:

The purpose of having a centres hierarchy is to ensure all centres across the city continue to provide retail and commercial hubs for the local residents, with larger centres providing for larger catchments. The avoidance of cumulative effects is a key part of maintaining a centre’s vitality/vibrancy. As noted at paragraph 75 above, Dr Lees has advised that preserving viability benefits existing activities at the expense of future users. This is the case both between zones (ie the MCZ and CCZ) and within the respective zone. I therefore recommend that the word ‘viability’ is deleted from the policy and submission points 405.98, 405.99, 470.30, 470.31, 470.32 are accepted in part. Consequentially, viability should be removed across the Centres Zones for the same reasons. On the other hand, I recommend that the word ‘vibrancy’ is retained as this aligns the purpose of the zone, and Objective 1 of the NPS-UD with respect to providing well-functioning urban environments.

6.7 I support the Stride and Investore requests to delete MCZ-P3 and consider that it is inappropriate to require management of adverse effects on the “viability and vibrancy of centres”. This could require consideration of the cumulative adverse effects on a local centre for example, which may lead to perverse outcomes in how development in Johnsonville is assessed. I therefore recommend deleting MCZ-P3 as set out in Appendix 1.

### ***MCZ-P6***

6.9 The Stride submission seeks amendments to MCZ-P6 to recognise that it is important that the plan recognises the role of Metropolitan Centres to enable high density housing, and that medium density housing would not be an efficient use of this land, and that it is not appropriate for a policy to be directive on the price, type, size and tenure for development.

6.10 The reporting officer rejects this submission point on the basis that the policy seeks to facilitate a range of housing typologies within the zone.

6.11 I support retention of the policy as recommended by the reporting officer to the extent that the policy is enabling of different housing types, rather than seeking to direct provision of specific housing.

### ***MCZ-P7***

6.12 The Stride submission supports MCZ-P7 in part but seeks amendments to MCZ-P7.2(e) to delete “including residential” which requires flexibility for ground floor space to be converted for a range of activities.

6.13 In the s42A report the reporting officer rejects this submission point:

I disagree with the Stride [470.35, 470.36] submission points as I note that MCZ-P7.2.e is not a 'requirement'. Consequently, I consider that this matter of discretion should be retained on the basis that it encourages good outcomes 'where relevant', noting that this enables discretion to be exercised as to when it is an appropriate consideration.

6.14 I disagree with the reporting officer. I agree with Stride that It would be onerous to have to design the ground floor of commercial or retail buildings to be flexible for a change in use to residential. In my opinion the policy could be interpreted to *require* commercial ground floors to be designed for conversion to residential, which would be inappropriately constraining.

6.15 The reporting officer also recommends amending MCZ-P7 to introduce a new reference to the design guides. I do not support this position as I consider that the design guides should be provided as reference documents outside the plan rather than within the district plan. As the design guides are to be addressed through later hearings, I intend to address this issue in more detail in a subsequent statement of evidence.

6.16 I therefore recommend amending MCZ-P7.2.(e) to remove reference to residential as shown in Appendix 1.

#### **MCZ-P9**

6.17 The Stride submission seeks amendment to delete MCZ-P9.2, as Stride considers that the management of traffic effects should be addressed in the Transport chapter, while a focus of transport effects in the zone provisions may constrain and lengthen construction periods.

6.18 In the s42A report the reporting officer rejects this submission:

As the policy relates to the construction of buildings it is appropriate within the MCZ chapter and I also recommend that the Stride [470.37, 470.38] submission points are rejected.

6.19 I disagree with the reporting officer, and agree with the Stride submission that this issue is better addressed through the Transport chapter of the plan. I agree with and have relied on the evidence of Mark Georgeson on this point.

6.20 I therefore recommend amending MCZ-P9 to remove referring to the impact of the construction of the transport network from this policy as set out in Appendix 1.

#### **MCZ-R13**

6.21 The Stride and Investore submissions oppose MCZ-R13 in part and seek amendments to change the gross floor area threshold for triggering a Restricted Discretionary activity status from 20,000m<sup>2</sup> to 30,000m<sup>2</sup>. The submissions also seek the deletion of the note around a permitted baseline assessment, and state that instead an application should be precluded from being either publicly or limited notified.

6.22 In the s42A report the reporting officer recommends removing the gross floor area threshold entirely. In my opinion this recommended amendment is consistent with the Stride and

Investore submissions. The reporting officer provides the following reasons for making this recommendation:

I note that any new building to accommodate the integrated retail activity will be assessed against MCZ-R20 and it is only the activity within the building that is regulated by MCZ-R13. Therefore, regardless of whether the GFA is 20,000m<sup>2</sup> (as notified) or unrestricted (as recommended), resource consent would be required under MCZ-R20 with respect to the construction of the building(s), with the Council retaining discretion to assess their design. As such, I consider that the submission points from Investore [405.109] and Stride [470.42] should be accepted.

The GFA requirement has been carried over from the ODP, where it was introduced under Plan Change 737 (operative 19 November 2014) as a way of regulating large scale integrated retail activities to ensure they do not detract from the vitality and vibrancy of the CCZ and Golden Mile. I note that Plan Change 73 pre-dates the NPS-UD and associated requirements in relation to the provision of business capacity. Further, Post COVID-19, where working from home and shopping locally are more common and have recognised environmental benefits (such as reduced carbon emissions), I consider that the restriction on GFA should be more lenient. I note that while the MCZ follows the CCZ in the centres hierarchy, sites in the MCZ are more likely than those in the CCZ to provide large-scale integrated retail activities as larger sites are available. I also consider that the provisions of the same range of services within centres as is available in the CCZ (for example improves equitable access to services. As such, and noting that the NPS-UD encourages significant additional development in the MCZ, I agree with the submitter that the minimum GFA for an integrated retail activity within this zone could be increased. For the above reasons, and noting that Dr Lees considers that the GFA restriction should be removed in the MCZ, I recommend that the GFA requirement for the MCZ should be removed in its entirety.

- 6.23 I support the reporting officer's recommended amendments to MCZ-R13 to remove GFA restrictions as proposed by the reporting officer meaning that integrated retail activity is a permitted activity, and I concur with the reasons they have provided. I also acknowledge that Timothy Heath considers that the retail threshold should be retained, although the threshold for Johnsonville be increased to 40,000 m<sup>2</sup>. I disagree with Mr Heath on this point and prefer the reporting officer's recommendation. However, if the retail GFA restriction is to be retained the retail cap for Johnsonville should be increased to *at least* 40,000m<sup>2</sup> and the matters of assessment only be limited to potential cumulative effects on the ongoing viability and vibrancy of the City Centre Zone and Golden Mile.

#### ***MCZ-R15 Car Parking***

- 6.24 The Stride and Investore submissions support the intent of this rule but oppose the Discretionary activity status under MCZ-R15.2 and seek that this is changed to Restricted Discretionary.

- 6.25 In the s42A report the reporting officer rejects this submission on the basis that:

Car-parking activities not meeting the requirements for a Permitted activity are a Discretionary activity across all CMUZ, with a mandatory notification requirement within the CCZ. In conjunction with MCZ-R19 (Demolition or removal of buildings and structures), MCZ-R15 seeks to prevent the long-term use of sites in the MCZ for car-



parking purposes as this can undermine the viability and vibrancy of a centre and prevent the realisation of development potential.

- 6.26 I acknowledge that ground level car parking has potential to create poor urban design outcomes. I therefore consider it appropriate to require resource consent for this activity, in order to ensure that council retains appropriate discretion to ensure good urban design outcomes. However, at grade parking may be an appropriate use in centres such as Johnsonville if designed to mitigate poor urban design outcomes. In these cases, a Restricted Discretionary activity status is sufficient to appropriately manage design or the creation of undesirable semi-vacant sites, while a discretionary activity status would be unnecessarily onerous.
- 6.27 I therefore recommend amending the activity status for carparking activities not meeting the permitted activity status under MCZ-R15 to be restricted discretionary activities as set out in Appendix 1.

#### ***MCZ-R19 Demolition***

- 6.28 The Stride and Investore submissions support the intention of the rule and the notification preclusions, but seek amendments to provide a Restricted Discretionary activity status for non-compliance with the permitted conditions. The submission states that “we have concerns that as notified it may constrain staged developments that require demolition and clearing of a larger site to enable development.”
- 6.29 In the s42A report the reporting officer rejects this submission:

With respect to the Discretionary activity status, I note that the rule framework seeks to deter the creation of vacant land in the MCZ as this prevents development potential from being realised and could have a negative impact on the vitality of the centre. Therefore, I consider that Discretionary activity status is appropriate as it discourages demolition that is contrary to the intentions specified in MCZ-R19.1, noting that this approach is also mirrored in the CCZ.

- 6.30 I partially agree with the reporting officer that long-term derelict or vacant sites can have negative effects. I therefore agree that it is appropriate for the district plan to include provisions which seek to manage demolition to avoid the creation of long-term vacant sites. However, I agree with the submitters that MCZ-R19 as notified provides insufficient flexibility to enable demolition for staged development which may require a building to be demolished before resource consent is sought for a new building. It may also be a better outcome to demolish a vacant and/or dangerous building. A Discretionary activity status would provide insufficient certainty in this circumstance and may disincentivise large scale development. A Restricted Discretionary activity status by contrast would provide greater certainty, while ensuring that Council still retains appropriate discretion to apply conditions to control the use and amenity of a site pending redevelopment.
- 6.31 I therefore recommend amending MCZ-R19 to provide a Restricted Discretionary activity as set out in Appendix 1.

#### ***MCZ-S1 Building Height***

- 6.32 The Stride and Investore submissions seek a two-tier approach to height in Johnsonville, and request a 50 metre height limit for an identified area between Moorefield Road and the Johnsonville-Porirua Motorway, as shown in Appendix 2.

6.33 In the s42A report the reporting officer rejects the request to provide 50m heights in parts of Johnsonville:

I note that the submitters have not provided any planning evaluation, technical, economic or urban design assessments, nor a s32AA evaluation in support of such a significant height change. The 35 metre building height will allow for 9 – 10 storey buildings, whereas 50 metres would provide for approximately 14 storeys. A 14 storey building is considered moderately high within the context of Wellington’s CBD, and would be considerably out of place in the Johnsonville context. As discussed at paragraphs 33 and 264 above, the notified 35 metre height will provide enough development capacity to meet projected residential and commercial growth. Consequently, I disagree with the relief sought as I consider the 35 metre height limit, which provides substantial additional development capacity over the 12 and 18 metre heights in the ODP, is appropriate.

With respect to the submission points requesting additional height, I also note that this can be achieved through the resource consent process as a Restricted Discretionary activity and the application of the City Outcomes Contribution. As such, there is a pathway whereby the aspirations of the submitters can be achieved, while retaining the ability for Council involvement with respect to achieving high quality design outcomes.

6.34 I disagree with the reporting officer that a 14 – 15 storey building would be inappropriate in the Johnsonville context.

6.35 Johnsonville is identified as a Metropolitan Centre in the PDP, and as such is an area intended to accommodate urban growth and to be subject to significant change. Under Policy 6 of the NPSUD, planning decisions are required to have regard to the planned urban form anticipated by planning documents such as the PDP, rather than the existing amenity or characteristics of an area. Policy 6 also directs that “planned urban form” may involve significant change and those changes are not of themselves an adverse effect. Finally, Policy 3 in the NPSUD requires Metropolitan Centre zones in tier 1 urban environments to enable “building heights and density of urban form to reflect demand for housing and business use in those locations”. In the context of this policy direction around planned urban form, accommodating change and providing building heights to reflect demand in Metropolitan Centres, 14 – 15 storey buildings are appropriate in Johnsonville in my opinion.

6.36 Taller buildings have a number of positive effects including increasing development capacity, improving affordability for housing and businesses, adding to city vibrancy, enabling better design outcomes by providing greater flexibility, enabling efficient use of infrastructure, and concentrating activity in an area of high accessibility. The positive urban design effects of taller buildings are addressed in more detail in the statement of evidence of Cameron Wallace which I have relied on and concur with.

6.37 Taller buildings can also give rise to negative effects, however, according to Mr Wallace the potential negative effects of the additional height between 35m and 50m in Johnsonville, not otherwise already controlled through the proposed consent process for new buildings, are largely limited to shading. Mr Wallace has undertaken shading analysis of a 50m building height in Johnsonville and finds that the adverse shading effects are limited and that the increase in height is therefore appropriate from an urban design perspective.

6.38 I note that under MCZ-R20 all significant new buildings in the Johnsonville Centre will require resource consent. This enables appropriate consideration of the design of taller buildings

including achieving quality design outcomes and managing the adverse effects of taller buildings. This supports the request to amend building heights to 50m in Johnsonville as these urban design considerations are able to be taken into account through the consent process without an additional consent trigger for height non-compliance.

- 6.39 As the reporting officer notes, it is possible to apply for consent for height non-compliances as a Restricted Discretionary activity under MCZ-S1. However, in my view building height standards have a tendency to be interpreted as a hard limit in the consent process, or as an anchor for expectations limiting the extent of acceptable non-compliances to negligible increases. In my opinion this would provide insufficient certainty to developers for buildings up to 50m, and will therefore be unnecessarily constraining of appropriate development in Johnsonville.
- 6.40 As set out in the statement of evidence of Jarrod Thompson, developers need certainty of the development envelope and will generally build to comply with permitted heights to avoid the risks of the consenting process. Mr Thompson also notes that taller buildings increase the commercial feasibility of a project as it enables the fixed costs of buildings to be offset over a greater area of floorspace. Finally, Mr Thompson notes that with insufficiently enabling planning rules Johnsonville will risk losing the competition for development capital to cities with more favourable development conditions, or to cities within the Wellington region with more enabling planning regimes. I note that both Hutt City and Upper Hutt City provide for unlimited building heights in their city centres under their proposed intensification plan changes. Hutt City also provides for unlimited building heights in Petone. These centres are generally comparable to Johnsonville in being secondary to the Wellington CBD within the wider region. I also note that the Auckland Unitary Plan provides a permitted height of up to 72.5 metres in its ten sub-regional centres zoned as metropolitan centres, which are generally comparable centres to Johnsonville.
- 6.41 I also disagree with the reporting officer that the theoretical sufficiency of development capacity provided by the PDP is relevant to applying height restrictions in the absence of other specific constraints to justify the limitations. Under Policy 2 of the NPSUD local authorities are required to provide *at least* sufficient development capacity. This is clearly intended as a minimum, not a ceiling on capacity above which no further should be provided. Under Policy 2 insufficient development capacity should be addressed by making plans more enabling, but it does not follow that it should be used to achieve the opposite and to limit development once a minimum of capacity is achieved. In my opinion it is therefore inappropriate to use development capacity as a justification for restraining heights in the absence of other constraints to justify the limitation.
- 6.42 The statement of economic evidence of Tim Heath provides analysis of the high-level economic cost and benefits of increasing building heights. Mr Heath concludes that the potential economic benefits of providing 50m building heights in Johnsonville outweigh the potential economic costs.
- 6.43 Finally, I note the following statement from the urban design evidence of Dr Farzad Zamani generally supporting submissions seeking greater building heights in centres, such as the changes proposed by Stride and Investore in Johnsonville:

As I have stated during Hearing Stream 2, the increase in height by itself does not lead to negative outcomes. In contrary, increased [height] can have more public amenity benefits. Therefore, I support the increased height proposed by submitters in most case, subject to further investigation or evidence that these increases in height will not

lead to loss of public amenity and can be done in accordance with the revised design guides. In principle I support expansion of all Centres areas. This can lead to better urban design outcomes as it provides more urban amenities and improve pedestrian network and vitality of the Centres. I note that Ms Hayes and I have different views on this matter, and I recognise that she has approached this from a broader planning perspective including consideration of development capacity, land ownership and existing uses, and scale of change from the notified proposal.

- 6.44 I agree with Dr Zamani on this issue. I note that I have also considered the matter of providing increased heights in Johnsonville as part of a broader assessment of the planning matters as set out above and have arrived at a different conclusion to Ms Hayes.
- 6.45 For the reasons listed above, I recommend amending MCZ -S1 to enable 50m building heights in Johnsonville as set out in Appendix 1 and Appendix 2.
- 6.46 I also recommend amending MCZ-S1 to refer to a “Height Threshold” rather than a “Maximum Height” in order to recognise that the standard does not set a hard maximum but rather provides a threshold at which additional matters of discretion are triggered.

#### ***MCZ-S2 Minimum Building Height***

- 6.47 The Stride and Investore submissions support the standard in part, but consider that it should only apply to identified active frontages to recognise that smaller building types may be required for practical reasons on larger development sites.
- 6.48 In the s42A report the reporting officer rejects this submission but recommends amending the standard to provide for accessory buildings, ancillary to the primary activity on the site, and buildings that are unable to be occupied by people. I support this recommended amendment to the extent that it enables different building heights for functional and secondary uses. However, I understand the intention of Stride and Investore submissions was to enable single storey buildings such as kiosks for hospitality use to support the primary uses on site. As “accessory building” has a relatively narrow definition I consider that further amendments to the wording are needed to clarify that this use would be enabled.
- 6.49 I therefore recommend amending MCZ-S2 as set out in Appendix 1.

#### ***MCZ-S6 Active Frontage***

- 6.50 The Stride and Investore submissions seek amendments to the MCZ-S6 so that only 70% of an active frontage must be built up to the street edge, in order to allow for functional requirements on the remaining 30% of the street frontage.
- 6.51 The s42A report accepts this request in part and recommends amending MCZ-S6 to provide exceptions for vehicle and pedestrian access.
- 6.52 I support the s42A recommended amendments in part as they provide appropriate exceptions to the active frontage control, consistent with the general direction of the Stride and Investore submissions.
- 6.53 However, as set out in the statement of evidence of Cameron Wallace which I have relied on, I consider that there are additional circumstances where not building out to the street boundary is appropriate, including to provide a small plaza space outside of a building entrance. To provide additional flexibility to achieve this outcome I recommend amending the

standard so that only 90% of an active frontage must be built up to the street edge, consistent with the recommendation of Mr Wallace. I also recommend amending MCZ-S6 to clarify that the requirement to build out to the boundary only applies to a minimum building height of 7m. This provides flexibility for buildings to be set-back at upper floors to enable podium tower buildings as recommend by Mr Wallace.

- 6.54 I therefore reject the reporting officer's position and recommend amending MCZ-S6 to only apply to 90% of the frontage as set out in Appendix 1.

***MCZ-S7 Minimum Unit Size***

- 6.55 The Stride submission supports MCZ-S7 in part, but seeks to amend the Minimum Residential Unit Size standard to 25m<sup>2</sup> and 30m<sup>2</sup> for studio and 1-bedroom units respectively.

- 6.56 In the s42A report the reporting officer rejects this submission:

Based on the advice from Dr Zamani at paragraph 329 above, I disagree with Kāinga Ora [391.681, 391.682] and Stride [470.58, 470.59] that amendments to the minimum unit sizes are required.

- 6.57 I disagree with the reporting officer and support Stride's requested amendment. In my opinion the requested amendments will enable provision of well-designed smaller apartments, in order to ensure housing affordability, consistency with the Policy 1(a)(i) of the NPS-UD, and to acknowledge diverse housing needs. I consider that the amended minimum unit sizes are still sufficient to enable an appropriate standard of residential amenity. I note that under the PDP all new buildings or residential conversions will require resource consent with council retaining discretion over on-site residential amenity including the provision of "adequate internal living space" as set out in MCZ-P8.

- 6.58 I therefore recommend amending MCZ-S7 as shown in Appendix 1.

***MCZ-S10 Building Separation***

- 6.59 The Stride and Investore submissions seek deletion of MCZ-S10 on the basis that it will constrain design flexibility and is not clear on the positive outcome it is intended to achieve.

- 6.60 In the s42A report the reporting officer rejects these submission points:

..noting that the primary purpose of the standard is to provide a level privacy to occupants of buildings within a site. As identified within the TPG Report, privacy is considered a human right and space between building achieves this. The standard also assists to provide an ongoing sense of openness and access to sunlight/daylight at adjoining sites. Although I accept that there may be alternative design options available to achieve the outcomes sought by this standard I consider that these can be assessed on their merits through the resource consent application process.

- 6.61 I disagree with the reporting officer and support the requested deletion of MCZ-S10. In my opinion this standard is impractical as it provides a more restrictive standard for the placement of two residential buildings on the same site, than it does for residential buildings on two

sperate adjoining sites. This issue is addressed in more detail in the urban design evidence of Cameron Wallace which I have relied on and concur with. According to Mr Wallace:

Whilst I appreciate the stated rationale and intent of these rules, it is my opinion that as an overall package they are poorly targeted and may in fact promote poor urban design outcomes and I support their deletion in their entirety. However, I also consider that the intent of these rules would be better supported by a consequential change to the outlook controls.

....

In my opinion, a more effective and appropriate control would be to delete both the building separation and building depth standards and amend the outlook standard to increase the required depth to 6m from the principle living area of a residential unit and that this must be accommodated within the site boundaries or over a street/ rail corridor/ open space.

6.62 I therefore recommend deleting MCZ-S10 and amending the Outlook Space standard MCZ-S9 as set out in Appendix 1.

#### ***MCZ-S11 Building Depth***

6.63 The Stride and Investore submissions oppose standard MCZ-S11 and seek that the standard is deleted in its entirety. According to the submitters this standard will act as a constraint on appropriate development and design, and it is not clear what positive outcome it achieves.

6.64 In the s42A report the reporting officer reject these submission points:

The building depth standard is intended to work in conjunction with the building separation standard to provide privacy for residential occupants of a MCZ site; however, where the separation standard applies only to residential buildings, the depth standard applies to all buildings. This means that the standard, as written, would limit the size of all buildings in the MCZ. I consider that this is an error in the PDP and that the standard should be amended to clarify that it only applies to residential development.

6.65 I support the deletion of MCZ-S11 and agree with the submitters that the standard will act as a constraint on appropriate development and design. MCZ-S11 will reduce developable area while it is not clear what positive outcome it achieves.

6.66 It is not clear to me how the maximum building depth rule will encourage buildings to be placed at the front of the site, how it will prevent buildings from facing neighbours, nor how it will ensure living spaces face the street or communal courtyards.

6.67 To the extent that it is desirable for buildings to be placed at the front of sites this is an outcome already required by the Active Frontage control MCZ-S6. MCZ-S6 also prevents blank walls along the street edge by requiring a minimum of 60% transparent glazing along the width of the ground floor building frontage.

6.68 The issue of discouraging residential buildings from facing neighbours is addressed by the Outlook Space standard MCZ-S9. Finally, under MCZ-R20 all new buildings over 100m<sup>2</sup> in the City Centre zone are a Restricted Discretionary activity, with matters of discretion around quality design outcomes including enhancing the quality of the streetscape, and achieving on site residential amenity. In my opinion MCZ-S6, MCZ-S9, and MCZ-R20 together ensure quality

design outcomes including encouraging buildings to be placed at the front of sites, and discouraging facing adjoining properties. In the context of these provisions as a collection it is not clear what additional benefits MCZ-S11 achieves.

- 6.69 The statement of evidence of Cameron Wallace also addresses the Maximum Building Depth standard and recommends its deletion. I have relied on and agree with the reasoning provided in that statement. Consequential to this point Mr Wallace also recommends amending the outlook space standard MCZ-S9 to better provide privacy for residents and to reduce the extent to which living spaces overlook neighbouring sites. I support this recommendation to amend MCZ-S9 for the reasons provided by Mr Wallace.
- 6.70 I therefore recommend deleting MCZ-S11, and amending MCZ-S9 as set out in Appendix 1.

***MCZ-SX boundary setback from rail corridor***

- 6.71 The KiwiRail submission requests a 5m setback from the rail corridor to address safety hazards. Stride and Investore opposed this submission point in further submissions.
- 6.72 In the s42a report the reporting officer accepts the KiwiRail submission in part and recommends introducing a 1.5m setback standard to the MCZ “to ensure that buildings and structures can be accessed and maintained without needing to access or use the railway corridor.”
- 6.73 I do not support the introduction of a rail corridor setback and disagree that this is necessary for safety reasons. Private property owners do not have a right of access to the rail corridor and KiwiRail has existing powers to control access to its own rail corridors outside of the district plan to ensure safety. Additionally, KiwiRail is a Requiring Authority so has the ability to designate private land in order to acquire the interests required for their operations if the existing designation is insufficient to operate safely. Finally, I note that no definition has been provided of the “rail corridor” so this provision may be interpreted to apply significant distances from the rail tracks in areas such as Johnsonville where KiwiRail has a large area of interest, beyond any area that could be reasonably needed for safety reasons.
- 6.74 I therefore recommend deleting MCZ-SX and all associated references as set out in Appendix 1.

**7 Conclusion**

- 7.1 In my view, the PDP as amended by the recommendations set out in this statement of evidence will give effect to the objectives and policies of the NPSUD, will contribute to well-functioning urban environments, and is consistent with the purpose and principles of the Resource Management Act 1991.

**Joe Jeffries**

12 June 2023

## Appendix 1 - Proposed Text Changes

Black Text – Original wording of the proposed plan change

Red Text – Officer's recommended changes, as set out in the Council Officer Report

Blue Text – Additional changes recommended in this statement of evidence.

Metropolitan Centre Zone	
Policies	
MCZ-P3	<p><b>Managed activities</b></p> <p><del>Manage the location and scale of commercial activities that could result in cumulative adverse effects on the viability and vibrancy of centres, the retention and establishment of a mix of activities within the Metropolitan Centre Zone, and the function of the transport network.</del></p>
MCZ-P7	<p><b>Quality design outcomes – <del>neighbourhood and townscape outcomes</del></b></p> <p>Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of the Metropolitan Centre Zone by:</p> <p><del>1. Meeting the requirements of the Centres and Mixed Use Design Guide as relevant;</del>  <b>2. 4.</b> Recognising the benefits of well-designed, comprehensive, development, including the extent to which the development:</p> <ul style="list-style-type: none"> <li>a. <del>Acts as a positive catalyst for future change by reflecting</del> <b>Reflects</b> the nature and scale of the development <del>proposed-enabled</del> within the zone <del>and in the vicinity</del> and responds to the evolving, more intensive identity of the neighbourhood;</li> <li>b. Optimises the development capacity of the land, <b>particularly including</b> sites that are: <del>large, narrow, vacant or ground level parking areas;</del> <ul style="list-style-type: none"> <li><del>i. Large; or</del></li> <li><del>ii. Narrow; or</del></li> <li><del>iii. Vacant; or</del></li> <li><del>iv. Ground level parking areas;</del></li> </ul> </li> <li>c. Provides for the increased levels of residential accommodation enabled in this zone; and</li> <li>d. Provides for a range of supporting business, open space and community facilities; and</li> <li><b>e. Is accessible for emergency service vehicles.</b></li> </ul> <p><del>3. 2.</del> Ensuring that the development, where relevant:</p> <ul style="list-style-type: none"> <li>a. Responds to the site context, particularly where it is located adjacent to: <ul style="list-style-type: none"> <li>i. A scheduled site of significance to tangata whenua or other Māori;</li> <li>ii. A heritage building, heritage structure or heritage area;</li> <li>iii. Residential zoned areas;</li> <li>iv. Open space zoned areas;</li> </ul> </li> <li>b. Provides a safe and comfortable pedestrian environment;</li> <li>c. Enhances the quality of the streetscape and public / private interface;</li> <li>d. Integrates with existing and planned active and public transport movement networks; and</li> </ul>



	<p>e. Allows sufficient flexibility for ground floor space to be converted for a range of activities, <del>including residential.</del></p>
MCZ-P9	<p><b>Managing adverse effects</b></p> <p>Recognise the evolving, higher density development context anticipated in the Metropolitan Centre Zone, while managing any associated adverse effects including:</p> <ol style="list-style-type: none"> <li>1. Shading, privacy, bulk and dominance effects on adjacent sites; <del>and</del></li> <li>2. <del>The impact of construction on the transport network and pedestrian linkages.</del></li> </ol>
MCZ-P10	<p><b>City outcomes contribution</b></p> <p><del>Support Require</del> <u>developments</u> over <u>the MCZ-S1</u> height <u>thresholds</u>, <del>large-scale residential, non-residential and comprehensive development</del> in the Metropolitan Centre Zone <del>to deliver that provide positive</del> City Outcomes Contributions <del>as detailed and scored in Appendix 16 the Centres and Mixed Use Design Guide guideline G107</del>, including through either:</p> <ol style="list-style-type: none"> <li>1. Positively contributing to public space provision and the amenity of the site and surrounding area, <u>such as by providing a lane-way or through site connection, or public amenities</u>; and/or</li> <li>2. <u>Enabling ease of access for people of all ages and mobility</u>; and/or</li> <li>3. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or</li> <li>4. Incorporating construction materials that increase the lifespan and <u>seismic and climate change</u> resilience of the development and reduce ongoing maintenance costs; and/or</li> <li>5. <u>The provision of affordable housing, including but not limited to incorporating assisted housing into the development</u>; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or</li> </ol> <p><del>Enabling ease of access for people of all ages and mobility. Supporting the ongoing use or future reuse of a heritage building or structure or recognising a site or area of significance to Māori that is listed in Schedule 1, 2 or 7.</del></p>
<b>Rules</b>	
MCZ-R13	<p><i>Amend MCZ-R13 to remove the GFA restriction as recommended by the reporting officer. However, if the GFA threshold is to be retained amend MCZ-R13 as follows as a secondary form of relief:</i></p> <ol style="list-style-type: none"> <li>1. <u>Activity status: Permitted</u> <ol style="list-style-type: none"> <li>a. <u>The total gross floor area does not exceed 40,000m2</u></li> </ol> </li> <li>2. <u>Activity status: Restricted Discretionary</u> <p><u>Where:</u></p> <ol style="list-style-type: none"> <li>a. <u>Compliance with the requirements of MCZ-R13.1 cannot be achieved.</u></li> </ol> </li> </ol>

	<p><u>Matters of discretion are:</u></p> <ol style="list-style-type: none"> <li>1. <u>The cumulative effect of the development on the ongoing viability and vibrancy of the City Centre Zone and Golden Mile.</u></li> </ol> <p><i>All other matters of discretion and reference to the permitted baseline assessment deleted.</i></p>
MCZ-R15	<p><b>Carparking activities</b></p> <p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The activity involves:</p> <ol style="list-style-type: none"> <li>i. Provision of car parks not visible at street edge along an active frontage or non-residential activity frontage; or</li> <li>ii. Provision of car parks above ground floor level; or</li> <li>iii. Provision of car parks below ground floor level; or</li> <li>iv. Provision of parking spaces for people with disabilities; or</li> <li>v. Provision of ground floor level car parks that form part of a building specifically constructed and used for carparking purposes.</li> </ol> <p>2. Activity status: <b>Restricted Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>a. Compliance with the requirements of MCZ-R15.1.a is not achieved.</li> </ol> <p><u>Matters of discretion are:</u></p> <ol style="list-style-type: none"> <li>1. <u>The matters in MCZ-P4.</u></li> </ol>
MCZ-R19	<p><b>Demolition or removal of buildings and structures</b></p> <p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The demolition or removal of a building:</p> <ol style="list-style-type: none"> <li>i. Is required to avoid an imminent threat to life and/or property; or</li> <li>ii. Enables the creation of public space or private outdoor living space associated with the use of a building; or</li> <li>iii. Is required for the purposes of constructing a new building or structure, or adding to or altering an existing building or structure, that <b>is a permitted activity under MCZ-R20 or DEV-R1, or that</b> has an approved resource consent, or resource consent is being sought concurrently <b>under MCZ-R20.2, or for the Kilbirnie Bus Bams Development Area, DEV-R1.2;</b> or</li> </ol> <p>b. The building or structure for demolition or removal is not on a site that has an active frontage or non-residential activity frontage; or</p> <p>c. The demolition or removal involves a structure, excluding any building.</p> <p>2. Activity status: <b>Restricted Discretionary</b></p>

	<p>Where:</p> <p>a. Compliance with any of the requirements of MCZ-R19.1 cannot be achieved</p> <p><del>The assessment of the activity must have regard to:</del> <u>Matters of discretion are:</u></p> <ol style="list-style-type: none"> <li>How the land will be utilised whilst it is vacant; and</li> <li>Creating a positive visual relationship between the site and streetscape whilst the site is vacant.</li> </ol> <p>Notification status: An application for resource consent made in respect of rule MCZ-R19.2.a is precluded from being either publicly or limited notified.</p>
MCZ-R20	<p><b>Construction of, or additions and alterations to, buildings and structures</b></p> <p>1. Activity Status: <b>Permitted</b></p> <p>Where:</p> <p>a. Any alterations or additions to a building or structure that:</p> <ol style="list-style-type: none"> <li>Do not alter the external appearance of the building or structure; or</li> <li>Relate to a building frontage below verandah level, including entranceways and glazing and compliance with MCZ-S5 is achieved; or</li> <li>Do not result in the creation of new residential units; and</li> <li>Are not visible from public spaces; and</li> <li>Comply with standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, <del>and</del> MCZ-S6 <u>and MCZ-SX (Boundary setback from rail corridor); and</u></li> </ol> <p>b. The construction of any building or structure:</p> <ol style="list-style-type: none"> <li>Is not located on a site with an active frontage or non-residential activity frontage; or</li> <li>Is not visible from public space; and</li> <li>Will have a gross floor area of less than 100m<sup>2</sup>; and</li> <li>Will result in a total coverage (together with other buildings) of no more than 20 percent of the site; and</li> <li><del>Will c</del>Comply with standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, and MCZ-S6 and <del>MCZ-SX (Boundary setback from rail corridor); and</del></li> <li>Does not involve the construction of a new building for residential activities.</li> </ol> <p>2. Activity status: <b>Restricted Discretionary</b></p> <p>Where:</p> <p>a. Compliance with any of the requirements of <del>MCZ-R19.1 MCZ-R20.1</del> cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>The matters in MCZ-P6, MCZ-P7, MCZ-P8 and MCZ-P9;</li> <li>The extent and effect of non-compliance with MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZS5, MCZ-S6, MCZ-S7, MCZ-S8, MCZ-S9, MCZ-S10 and MCZ-S11;</li> <li><del>City Outcomes Contribution for The Centres and Mixed-Use Design Guide, including guideline G107 – City Outcomes Contribution as required in Appendix 16 MCZ-P10</del> <u>for any building that exceeds the MCZ-S1 maximum height threshold requirement and either comprises 25 or more residential units or is a non-residential building;</u></li> <li><del>The Residential Design Guide;</del></li> </ol>

The extent and effect of any identifiable site constraints;

5. Construction impacts on the transport network; and

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

Notification status:

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

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

~~Notification status:~~ An application for resource consent made in respect of rule MCZ-R20.2 which results

**Standards**

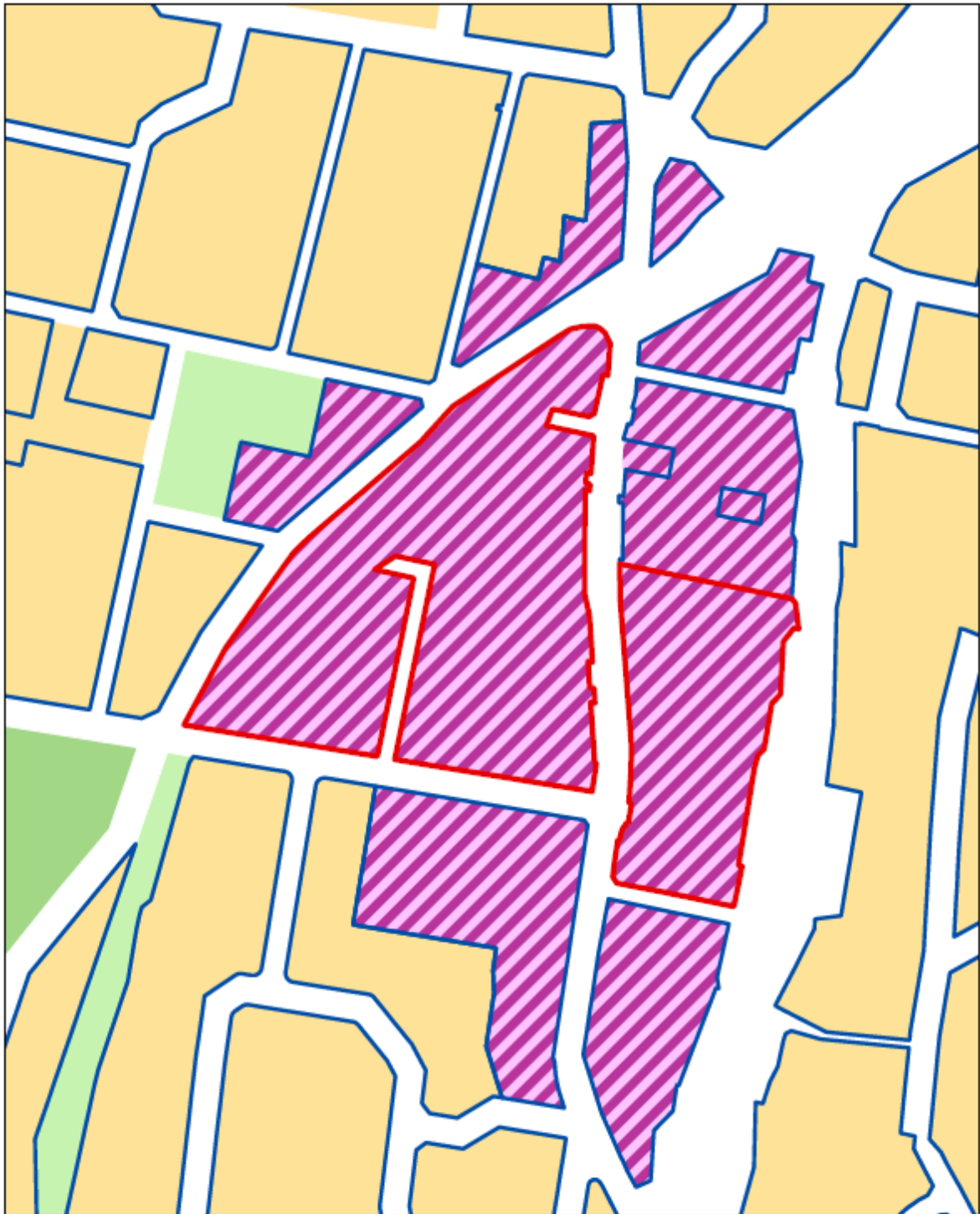
<p>MCZ-S1</p>	<p><del>Maximum</del> <b>Height Threshold</b></p> <p>1. The following <del>maximum</del> height <del>thresholds apply (measured above ground level unless otherwise specified); limits above ground level must be complied with:</del></p> <table border="1" data-bbox="384 936 1313 1355"> <thead> <tr> <th data-bbox="384 936 853 981">Location</th> <th data-bbox="858 936 1313 981">Limit</th> </tr> </thead> <tbody> <tr> <td data-bbox="384 981 853 1070"> <b>Height control area 1</b>            Johnsonville (<del>except as below</del>)         </td> <td data-bbox="858 981 1313 1070">35m</td> </tr> <tr> <td data-bbox="384 1070 853 1211"> <u><a href="#">Height control area 2</a></u>   <u><a href="#">Johnsonville (as identified in Figure [x])</a></u> </td> <td data-bbox="858 1070 1313 1211"><u><a href="#">50m</a></u></td> </tr> <tr> <td data-bbox="384 1211 853 1283"> <b>Height control 23</b>            Kilbirnie (except as below)         </td> <td data-bbox="858 1211 1313 1283">27m</td> </tr> <tr> <td data-bbox="384 1283 853 1355"> <b>Height control area 34</b>            Kilbirnie, north of Rongotai Road         </td> <td data-bbox="858 1283 1313 1355">15m</td> </tr> </tbody> </table> <p>2. Fences and standalone walls must not exceed a maximum height of 1.8 metres (measured above ground level)</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> <li>a. Lot 2 DP 32689 (27 Johnsonville Road) where an 11m maximum height limit applies;</li> <li>b. Accessory buildings;</li> <li>c. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm;</li> <li>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 by more than 1m; and</li> <li>e. Lift overruns provided these do not exceed the height by more than 4m</li> </ul> <p>Assessment criteria where the standard is <del>infringed</del> <u>exceeded</u>:</p> <p>1. Streetscape and visual amenity effects;</p> <p>2. Dominance, privacy and shading effects on adjoining sites; <del>and</del></p>	Location	Limit	<b>Height control area 1</b> Johnsonville ( <del>except as below</del> )	35m	<u><a href="#">Height control area 2</a></u>  <u><a href="#">Johnsonville (as identified in Figure [x])</a></u>	<u><a href="#">50m</a></u>	<b>Height control 23</b> Kilbirnie (except as below)	27m	<b>Height control area 34</b> Kilbirnie, north of Rongotai Road	15m
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<b>Height control 23</b> Kilbirnie (except as below)	27m										
<b>Height control area 34</b> Kilbirnie, north of Rongotai Road	15m										

	<p>3. The extent to which taller buildings would contribute to a substantial increase in residential accommodation; <a href="#">and</a></p> <p><a href="#">4. The matters in MCZ-P10</a></p>
MCZ- S2	<p><b>Minimum building height</b></p> <p>1. A minimum height of 7m is required for:</p> <ol style="list-style-type: none"> <li>a. New buildings or structures; and</li> <li>b. Additions to the frontages of existing buildings and structures.</li> </ol> <p><a href="#">This standard does not apply to:</a></p> <ol style="list-style-type: none"> <li><a href="#">1. Accessory buildings, ancillary to the primary activity on the site, and other secondary buildings to support the primary activity on site including kiosks.</a></li> <li><a href="#">2. Any building or structure that is unable to be occupied by people.</a></li> </ol> <p>Assessment criteria where the standard is infringed;</p> <ol style="list-style-type: none"> <li>1. The extent to which a reduced height: <ol style="list-style-type: none"> <li>a. Is necessary to provide for functional needs or operational needs of a proposed activity;</li> </ol> </li> <li>2. Whether topographical or other site constraints make compliance with the standard impracticable or unnecessary; and</li> <li>3. Whether, for any additions or alterations, the existing ground floor height meets the standard.</li> </ol>
MCZ-S6	<p><b>Active frontage and non-residential activity frontage controls</b></p> <p>1. Any new building or addition to an existing building adjoining an identified street with an active frontage must:</p> <ol style="list-style-type: none"> <li>a. Be built up to the street edge on all street boundaries <a href="#">with an identified active frontage control</a> <del>and</del> along <a href="#">the full 90% of the width of the boundary up to 7m building height bordering any street boundary, excluding vehicle and pedestrian access;</a></li> <li>b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and</li> <li>c. Locate the principal public entrance on the front boundary;</li> </ol> <p><a href="#">Except that this does not apply to service stations.</a></p> <p>2. Any ground level addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that:</p> <ol style="list-style-type: none"> <li>a. Is more than 3 metres wide; and</li> <li>b. Extends from a height of 1m above ground level to a maximum height of 2.5m;</li> </ol> <p>3. Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent; and</p> <p>4. Any new building or addition to an existing building on a site with a non-residential activity frontage control must:</p>



	<p>a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary; and</p> <p>b. Locate the principal public entrance on the front boundary.</p> <p>Assessment criteria where the standard is infringed:</p> <p>1.The extent to which:</p> <p>a. Any non-compliance is required for on-site functional needs or operational needs;</p> <p>b. The building frontage is designed and located to create a strong visual alignment with adjoining buildings <u>or otherwise enhances the streetscape</u>; and</p> <p>c. An acceptable level of passive surveillance is maintained between the interior of the building and the street</p>								
MCZ-S7	<p><b>Minimum residential unit size</b></p> <p>1.Residential units, including dual-key units must meet the following minimum sizes:</p> <table border="1"> <thead> <tr> <th>Residential unit type</th> <th>Minimum net floor area</th> </tr> </thead> <tbody> <tr> <td>a.Studio unit</td> <td>3525m<sup>2</sup></td> </tr> <tr> <td>b.1 bedroom unit</td> <td>4030m<sup>2</sup></td> </tr> <tr> <td>c.2+ bedroom unit</td> <td>55m<sup>2</sup></td> </tr> </tbody> </table> <p>Assessment criteria where the standard is infringed:</p> <p>1.The extent to which:</p> <p>a. The design of the proposed unit provides a good standard of amenity; and</p> <p>b. Other on-site factors compensate for a reduction in unit sizes.</p>	Residential unit type	Minimum net floor area	a.Studio unit	3525m <sup>2</sup>	b.1 bedroom unit	4030m <sup>2</sup>	c.2+ bedroom unit	55m <sup>2</sup>
Residential unit type	Minimum net floor area								
a.Studio unit	3525m <sup>2</sup>								
b.1 bedroom unit	4030m <sup>2</sup>								
c.2+ bedroom unit	55m <sup>2</sup>								
MCZ-S9	<p><b>Minimum outlook space for multi-unit housing</b></p> <p>Every residential unit must be designed to achieve:</p> <p>a. a minimum of 1m by 1m outlook space for all habitable rooms <u>except the principle living room.</u></p> <p>b. <u>A minimum of 6m x 4m outlook space with a minimum depth of 6m from the principle living room.</u></p>								
MCZ-S10	<p><del><b>Minimum building separation distance</b></del></p> <p><del>1.Any new building or addition to an existing building used for residential activities must provide an 8m separation distance between buildings located on the same site, as shown in Diagram 15 below.</del></p> <p><del>Assessment criteria where the standard is infringed:</del></p> <p><del>1. The extent to which a reduced setback will increase dominance and shadowing related effects on residential units within the development site; and</del></p> <p><del>2. Dominance, privacy and shading effects on adjoining sites.</del></p>								
MCZ-S11	<p><del><b>Maximum building depth</b></del></p> <p><del>1.Any new building or additions to existing buildings used for residential activities must not result in the continuous depth of any external side wall being greater than 25m, as shown in Diagram 16 below.</del></p> <p><del>Assessment criteria where the standard is infringed:</del></p>								

	<ol style="list-style-type: none"> <li>1. The extent to which design mitigates the effect of a long featureless building elevation;</li> <li>2. Dominance, privacy and shading effects on adjoining sites</li> </ol>
MCZ-SX	<p><b>Boundary setback from rail corridor</b></p> <ol style="list-style-type: none"> <li>1. Boundary or structures must not be located within 1.5m setback from a rail corridor boundary.</li> </ol> <p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> <li>1. The extent to which the location and design of the building relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</li> </ol>

## Appendix 2 – Requested 50m Height Area



### Legend

-  Amended Johnsonville Height Control Area
-  PDP Height Control Areas

0 25 50 100 150 200 M

