

Wellington City District Plan – Omnibus Plan Change
Minimum Building Height and Minimum Ground Floor Height
Effectiveness of Rules and Standards

Scope of Proposed Change

To amend the City Centre Zone (CCZ) and Metropolitan Centre Zone (MCZ) provisions relating to *‘minimum building height’* and *‘minimum ground floor height’* to ensure the District Plan does not unduly prevent the construction of small-scale buildings within these zones.

Additionally, to clarify how *‘minimum building height’* is measured for clarity and improved Plan implementation.

Background

The District Plan Review identified instances of underdevelopment of sites in the CCZ, and that the 2000 District Plan had no policy or rule framework to prevent these outcomes. This was considered a barrier to achieving alignment with Objective 1 and Policies 1 and 3 of the NPS-UD.

Consequently, *‘minimum building height’* standards are included in the 2024 District Plan at CCZ-S4 (22 m) and MCZ-S2 (7 m). The purpose of these standards is to efficiently optimise the development potential of land within the high-order Commercial and Mixed Use Zones (CMUZ). In addition, *‘minimum ground floor height standards’* at CCZ-S5 and MCZ-S3 require a 4 m internal floor height to provide for the adaptable use of buildings.

For further context and relevant statutory and 2024 District Plan information refer to the CMUZ Regulatory and Policy Direction assessment.

Issue

That the CCZ and MCZ rules and standards regulating the *‘minimum building height’* and *‘minimum ground floor height’* of new buildings, and additions and alterations to existing buildings, are not clear and have the potential to create unintended development outcomes within these zones.

The following implementation issues have been identified:

CCZ-S4: Minimum building height	
MCZ-S2: Minimum building height	
i.	While there is an exemption at MCZ-S2 for accessory buildings, there is no exemption in the CCZ.
ii.	There is no exemption for small scale buildings in the CCZ or MCZ, specifically buildings such as coffee carts or public toilets (where these are located within a site).
iii.	While CCZ-S4.1 and CCZ-S4.2 identify instances where the standard does not apply due to other standards constraining development, not all standards with this effect have been identified. For example, the lower height limits imposed within Heritage Areas, and by the CCZ standards regulating shading and effects on Old St Paul’s Church are not identified in the standard. This creates a conflict whereby different permitted activity standards seek different outcomes.
iv.	While MCZ-S2 includes assessment criteria to be addressed when the standard is not met, there are no assessment criteria within CCZ-S4.

CCZ-S5: Minimum ground floor height	
MCZ-S3: Minimum ground floor height	
v.	The requirements at CCZ-S5 and MCZ-S3 for a 4 m internal building height also have the potential to impede the development of small buildings in the CCZ and MCZ, as resource consent may still be required for an under-height building when the applicable ' <i>minimum building height</i> ' standard is met. Therefore, amending CCZ-S4/MCZ-S2 without also amending CCZ-S5 and MCZ-S3 will prevent the issue from being resolved.
CCZ-R23: Alterations and additions to buildings and structures	
CCZ-R24: Construction of buildings and structures	
MCZ-R21: Construction of, or additions and alterations to, buildings and structures	
vi.	At CCZ-R23.1.b.ii, CCZ-S4 is referenced as a standard that must be complied with in order for any additions or alterations to <u>existing</u> buildings and structures (that do not result in the creation of new residential units) to be a Permitted Activity, despite the standard itself specifically stating that it applies to ' <i>new buildings</i> '.
vii.	Further, for the same rule, at CCZ-R23.2.a.2, CCZ-S4 is a matter of discretion that must be considered when an application is made under the rule. Again, this conflicts with the ' <i>new buildings</i> ' statement in the standard.
viii.	At CCZ-R24.1.a a new building is a Permitted Activity where it has a gross floor area less than 100m ² and does not result in building coverage of more than 20%; however, CCZ-R24.1.b requires compliance with CCZ-S4 – meaning that no small building less than 22 metres in height can be constructed as a Permitted Activity. This matter can be resolved by providing an exemption for small buildings in CCZ-S4 and CCZ-S5.
ix.	MCZ-R21 includes requirements to meet the ' <i>minimum building height</i> ' standard at MCZ-S2 and may prevent small buildings on MCZ sites. While this is tempered by the exemption for accessory buildings, the standard prevents small scale buildings that are not ancillary to the primary use of any building on the site. Exemptions for small-scale buildings within MCZ-S2 and MCZ-S3 will ensure that MCZ-R21.1.b.ii, MCZ-R21.1.c.iv and MCZ-R21.2.2 do not require consideration of compliance with these standards.
Interpretation	
x.	It is not clear how ' <i>minimum building height</i> ' is intended to be measured. Unlike ' <i>maximum building height</i> ', where the standards specify that this is measured from ground level (with a number of practical exemptions), the ' <i>minimum building height</i> ' standards are just a simple statement. For example, it is unclear whether the entirety of a building needs to meet the standard or only part. Additionally, it is not clear whether parapets and structures on top of buildings (such as lift overruns and plant) contribute to the measurement of building height or not.
Relevant Provisions	
The CCZ and MCZ provisions can be accessed here:	
City Centre Zone	
Metropolitan Centre Zone	
Assessment of Options	
The following assessment sets out whether or not amendments to the provisions are necessary for improved District Plan implementation and consistency.	

Relevant Options

For the purposes of this evaluation, the following practicable options have been considered:

- **Option 1:** Retain the status quo, with no amendments to the rules or standards.
- **Option 2:** Amend standards CCZ-S4, CCZ-S5, MCZ-S2 and MCZ-S3, and rules CCZ-R23, CCZ-R24 and MCZ-R21 as follows:
 - i. Add an exemption for accessory buildings within CCZ-S4; and
 - ii. Add an exemption for buildings under a certain size within CCZ-S4, CCZ-S5, MCZ-S2 and MCZ-S3; and
 - iii. Add reference to CCZ-S2 (Old St Paul's Church – Adjoining site-specific building height) and CCZ-S6 (Minimum ground floor height) within CCZ-S4; and
 - iv. Add assessment criteria within CCZ-S4; and
 - v. Delete all references to CCZ-S4 from CCZ-R23.
- **Option 3:** Provide additional clarity within CCZ-S4 as to how minimum building height is measured.

Cost/Benefit Assessment

Costs and benefits associated with the options are assessed in the tables below.

Option 1: Retain the status quo (no changes to any provisions)

Costs

Environmental

- Reduction in the quality of the built environment due to barriers imposed by the standard (ie resource consent requirements).
- Lost opportunities to create activation and vibrancy on otherwise vacant sites through the development of small buildings, which may be temporary in nature, thereby resulting in sites remaining vacant for longer durations.
- Failure to develop (over time) well-functioning urban environments.

Economic

- Increased economic costs for developers and landowners seeking independent advice, or advice from the Council, on interpretation of uncertain Plan provisions.
- Consenting costs, creating an economic barrier to site development. Currently, all under-height buildings need resource consent and there is no realistic Permitted Activity pathway for a small building (compliant with CCZ-R21.1.a) to be built without resource consent.
- Unnecessary costs to develop small buildings which are typically temporary in nature to create opportunities to use the

Benefits

Environmental

- The environmental benefits that have been previously identified apply – in particular, retaining the status quo will achieve compliance with NPS-UD policy 3(a) and 3(b) and prevent underdevelopment of these sites.

Economic

- There are no economic benefits that have not been previously identified.

Social and Cultural

- There are no social benefits that have not been previously identified.

Cultural

- There are no cultural benefits that have not been previously identified.

<p>site and off-set holding and development costs until the owner can afford to build a compliant (tall) building.</p> <p><i>Social and Cultural</i></p> <ul style="list-style-type: none"> • Lost opportunities for street edge activation resulting in loss of localised opportunities for social and cultural benefits. 	
<p><i>Effectiveness and efficiency</i></p> <p>While the 2024 District Plan provisions will achieve the purpose of preventing underdevelopment, they are not the most efficient option as they:</p> <ul style="list-style-type: none"> • Create potential regulatory uncertainty result in unnecessary cost because of unclear interpretation; • Require unnecessary resource consent applications for small and/or temporary buildings; • May prevent activation of vacant sites. <p>Accordingly, this is not the most efficient or effective option.</p>	
<p><i>Overall evaluation of Option 1</i></p> <p>The current CCZ and MCZ rules and standards requiring compliance with the ‘<i>minimum building height</i>’ and ‘<i>minimum ground floor height</i>’ standards create a barrier to achieving the outcomes that the 2024 District Plan seeks to deliver – being well-functioning urban environments with high quality and vibrant centres. CCZ-O2.1 and MCZ-P1 anticipate a variety of building types, whereas the current rules and standards may prevent smaller buildings. Therefore, retaining the status quo is not the recommended option.</p>	
<p>Option 2: Amend standards CCZ-S4, CCZ-S5, MCZ-S2 and MCZ-S3, and rules CCZ-R23, CCZ-R24 and MCZ-R21</p>	
<p>Option 2 would involve the following changes:</p> <ul style="list-style-type: none"> - The addition of an exemption for accessory buildings within CCZ-S4; - The addition of an exemption for small buildings within both CCZ-S4 and MCZ-S2; - The addition of an exemption for sites subject to CCZ-S2 (Old St Paul’s Church - Adjoining site specific building height) and/or CCZ-S6 (Minimum sunlight access – public space); and for sites within a Heritage Area (where the Historic Heritage chapter specifies that lower height limits apply); - The addition of assessment criteria within CCZ-S4; and - Deletion of all references to CCZ-S4 from CCZ-R23. <p>Subject to suitable exemptions being added to the standards, no further changes to the rules will be necessary. This is because the rules require either compliance with the standards, or consideration of the extent and effect of non-compliance. If a standard does not apply, because the specific building is exempt from needing to meet that standard, then no consideration of compliance or non-compliance is required under the rule. Effectively, that standard is disregarded.</p> <p>An assessment of the recommend changes is provided below.</p>	

Change 1: Exemptions for accessory buildings

Accessory buildings are defined as: *a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site, but does not include any minor residential unit.*

This matter was originally raised in submissions on the CCZ and MCZ chapters. In the section 42A report for the CCZ¹ and subsequent right of reply, the Council's reporting officer recommended against including exemptions for under-height buildings of any nature, on the basis that:

- i. Where there is sufficient justification for the need for a development to be under six storeys (22 m), the Council's resource consent planner will take this into account when assessing a resource consent application; and
- ii. While exemptions for temporary buildings might be appropriate, not enough evidence or justification was provided by submitters to support this change.

The Independent Hearings Panel (IHP) agreed that where minimum height non-compliances in the CCZ were justifiable, this could be addressed through the resource consent process².

The reporting officer for the MCZ chapter recommended that MCZ-S2 included exemptions for accessory buildings and small buildings unoccupied by people³.

The IHP adopted the recommended exemption for accessory buildings⁴. The IHP also recommended exemptions be applied to the equivalent LCZ and NCZ minimum height standards, before determining that minimum height requirements should not apply in these lower order centres and deleting the minimum height standards in their entirety.

Examples of accessory buildings would be plant rooms and storage areas located external to a building. Permitting these buildings to be constructed in the CCZ without a 22 m height or 4 m internal building height requirement will provide for consistency between the CCZ and MCZ chapters, with minimal (if any) loss of CCZ development potential.

Note that if the accessory building was located on an active or non-residential frontage there would still be a requirement for resource consent, ensuring that poor quality streetscape outcomes along these identified streets do not occur as a result of the exemption being added.

Change 2: Exemptions for small buildings

Subsequent to the 2024 District Plan becoming operative, it has been identified that no small buildings could be constructed within a CCZ site without meeting the minimum height requirement.

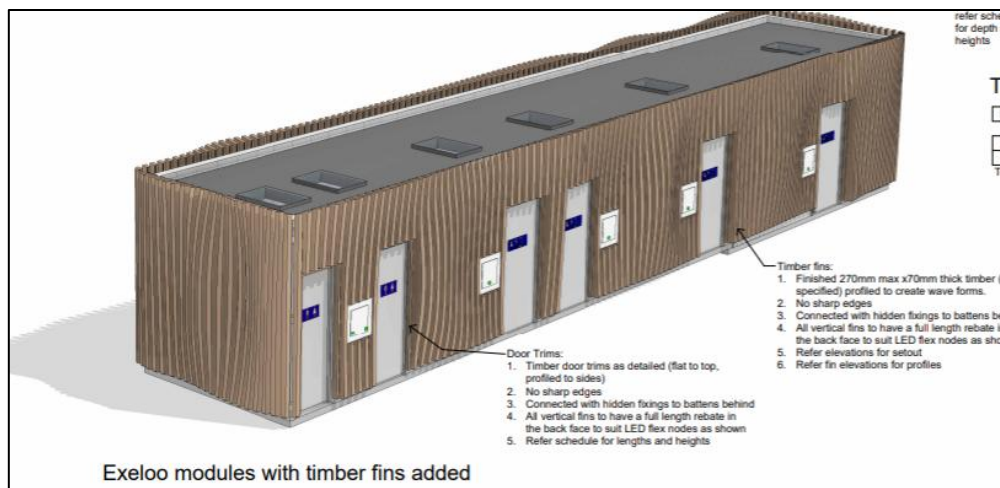
As an example, a new 50 m² public toilet block on the site at the corner of Taranaki Street and Manners Street (shown below) required resource consent as a Discretionary Activity as CCZ-S4 was not met (ie because the building was not 22 m in height):

¹ [Section 42A Report: CCZ](#), para 579.

² [IHP Report 4B: CCZ](#), para 317.

³ [Section 42A Report: MCZ](#), para 284.

⁴ [IHP Report: MCZ, LCZ, NCZ](#), para 156.



To address this issue, it is recommended that an exemption for small scale buildings is added in both zones.

To be a Permitted Activity, a new building is also required to meet the requirements of CCZ-R24.1.a and MCZ-R21.1.c in relation to gross floor area and building coverage. Often coffee carts and container-based retail are in place for a limited duration while future development of a site is planned. These assist to activate a site that would otherwise remain vacant and add localised vitality with the centre. This is an effective way of achieving well-functioning urban environments and vibrant centres as an interim measure, until a site's full development potential can be realised. The change will not provide for the outcome that the District Plan seeks to prevent – being low rise development that prevents appropriate use of development potential in perpetuity.

A 60 m² size limit exemption could be applied. This would allow for either two large shipping containers (or buildings of this nature) or one small building (eg public toilets or show suite) but prevent inappropriate application of the standard. It is acknowledged that this size limit differs from the 100 m² footprint that is permitted under CCZ-R24.1.a.i. It is considered appropriate that the minimum height standard imposes a more stringent restriction. A 100 m² building is capable of accommodating a range of activities and would be different in nature to the small-scale buildings that this change seeks to provide for. As the size of a building increases it is reasonable to expect that the height would also increase, so as to efficiently optimise development potential in accordance with CCZ-P5.2.

As detailed previously in this report, to ensure that new buildings, and additions and alterations to existing buildings, are not unduly constrained, it is necessary to also provide exemptions within CCZ-S5 and MCZ-S3. This change will enable these standards to be discounted from consideration when one of the exemptions applies, thereby enabling certain building types to be constructed as Permitted Activities (where the other requirements of the Permitted Activity rules are met).

The CCZ exemptions described above would be drafted as follows (changes underlined):

CCZ-S4 (Minimum building height)

This standard does not apply to:

...

- x. Accessory buildings; and
- x. Buildings with a total footprint of 60m² or less.

CCZ-S5 (Minimum ground floor height)

This standard does not apply to:

- 1. Accessory buildings; and
- 2. Buildings with a total footprint of 60m² or less.

The exemptions for the MCZ chapter would be drafted as follows:

MCZ-S2 (Minimum building height)

This standard does not apply to:

...

- x. Buildings with a total footprint of 60m² or less.

MCZ-S3 (Minimum ground floor height)

This standard does not apply to:

- 1. Accessory buildings; and
- 2. Buildings with a total footprint of 60m² or less.

Change 3: Exemption for sites where building height is restricted due to other District Plan provisions

Currently, CCZ-S4 states that the standard does not apply to:

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

The first of these exemptions recognises CCZ-S3 imposes a building height limit that is lower than 22 metres. Hence in order to meet CCZ-S3, compliance with CCZ-S4 could not be achieved.

The issue is that two other standards, CCZ-S2 (Old St Paul's Church – Adjoining site specific building height) and CCZ-S6 (Minimum sunlight access – public space) will also render compliance with CCZ-S4 unattainable and are not included in the exemptions.

In addition, height limits in Heritage Areas are regulated by HH-S1. In the CCZ, this standard imposes height limits lower than 22 m in some locations.

To address this issue, additional exemptions could be added to CCZ-S4, as drafted below. Note that additional changes to points 3 and 4 (originally 1 and 2) for consistency within the standard.

CCZ-S4 (Minimum building height)

This standard does not apply to:

1. Any site subject to CCZ-S2 (Old St Paul's Church – Adjoining site specific building height); and
2. Any site subject to CCZ-S6 (Minimum sunlight access – public space) where a 22 m building height will mean that the standard is infringed;
3. Any site subject to CCZ-S3 (Character precincts and Residentially Zoned heritage areas - Adjoining site specific building and structure height); and
4. Any site subject to CCZ-PREC01-S1 (Te Ngākau Civic Square Precinct – Height Threshold); and
5. Any site subject to HH-S1 (Minimum and maximum heights for heritage areas in the City Centre Zone, Centre Zones and Waterfront Zone) where a maximum height limit lower than 22 m applies; and
6. ...

This change will ensure that the standards in the chapter function as was originally intended, whereby specific locations can be afforded additional protection through CCZ-S2, CCZ-S3, CCZ-S6 and CCZ-PREC01-S1 (noting that this standard in fact enables a 40 m height limit across the entirety of the Te Ngākau Civic Square Precinct).

It is noted that this change is unlikely to provide for these buildings to be constructed without resource consent, but will ensure that they are not unduly constrained by the height standard or higher Discretionary Activity status that applies when CCZ-S4 is not met.

Change 4: Assessment criteria for CCZ-S4

The notified PDP version of CCZ-S4 and the version included at [Appendix A](#) to the section 42A report for the CCZ both included assessment criteria. These were removed from the version provided to the IHP prior to the hearing as [Appendix A \(Rebuttal Version\)](#) to the reporting officer's [supplementary statement of evidence](#). It is not clear why the assessment criteria were removed. The IHP adopted this change.

These assessment criteria could be reinstated. In addition, a new assessment criteria relating to positive design outcomes could be included. This will provide a pathway for an under-height building to obtain resource consent where it has been demonstrated that the building provides quality design outcomes, either on- or off-site, in accordance with the policy framework at CCZ-P9 to CCZ-P11. The criteria would be drafted as:

1. The extent to which a reduced height is necessary to provide for the functional needs or operational needs of a proposed activity; and
2. Whether topographical or other site constraints make compliance with the standard impracticable or unnecessary.
3. The extent to which the reduced height would facilitate positive on-site or public design outcomes.

Change 5: Deletion of references to CCZ-S4 from CCZ-R23

CCZ-S4 is referenced in CCZ-R23.1.b; however, this rule only applies to alterations and additions to buildings and structures (ie to existing buildings), whereas CCZ-S4 sets a minimum building height of 22 m for new buildings.

The District Plan definitions of ‘alteration’ and ‘additions’ are as follows:

“Alteration means: modifications to a building or object that do not have the effect of increasing the gross floor area, footprint, mass or height of the building or object. Excludes a. maintenance and repair”.

‘Additions means: modifications to a building or object that have the effect of increasing the gross floor area, footprint, mass or height of the building or object and includes the creation of new floor levels”.

The deletion of the requirement to comply with CCZ-S4 from CCZ-R23.1.b, CCZ-R23.2.a.2 and CCZ-R23.2.a.4 will ensure that these are not inadvertently applied to building additions or alterations.

As an alternative, CCZ-S4 could be amended to include reference to ‘additions’ as well as new buildings. This change is not recommended as it will capture all building additions regardless of size (although an exemption for small additions could be added). Larger additions, such as new floors / rooftop additions, will be in the context of the existing environment and will be related to the existing building height. Any such additions will require resource consent, and will be assessed against the suite of CCZ policies, the matters of discretion in CCZ-R23 and the Centres and Mixed Use Design Guide. Therefore, the requirement that additions and alterations comply with CCZ-S4 is not considered necessary and this alternative change is not recommended.

Change 6: Deletion of references to CCZ-S4 and CCZ-S5 from CCZ-R24.1.b to enable small buildings to be constructed as a Permitted Activity, where the requirements of CCZ-R24.1.a are met (Not recommended)

Note that consideration has been given as to whether amendments are also necessary to CCZ-R24 or MCZ-R21. In this respect the Permitted Activity rules (CCZ-R24.1 and MCZ-R21.1) require compliance with the standards. However, a standard need not be complied with when an exemption specified in the standard applies. Therefore, by adding the exemptions set out at changes 1 to 3 above, CCZ-S4/MCZ-S2 and CCZ-S5/MCZ-S2 will not need to be met for the purposes of compliance with these rules. Where there is no applicable exemption and the standards do apply, the matter of discretion requiring consideration of ‘the extent and effect of the non-compliance’ remains a relevant consideration. Therefore, no changes to CCZ-R24 or MCZ-R21 are necessary.

The costs and benefits of Changes 1 to 5 above are as follows.

Costs	Benefits
<i>Environmental</i> <ul style="list-style-type: none">• Risk of underdevelopment occurring on CCZ and MCZ land.• The environmental cost of exempting accessory and small buildings from standards will be the This is a concern given the standards were purposefully introduced to prevent this outcome. Nevertheless, as has been	<i>Environmental</i> <ul style="list-style-type: none">• Small-scale commercial activities such as coffee-carts and container-based retail assist to add localised vibrancy and vitality within the CCZ and MCZ.• Providing exemptions for accessory buildings enable efficient use of land, providing for the needs of a building’s occupants. Hence these

<p>demonstrated, there will be circumstances where small buildings are appropriate, and other mechanisms will ensure development potential is maximised where this is most appropriate (ie on sites with active or non-residential frontages).</p> <ul style="list-style-type: none"> There are no environmental costs associated with the amendments to the exemptions or addition of assessment criteria within the standard. <p><i>Economic</i></p> <ul style="list-style-type: none"> In comparison to the operative provisions, there are no economic costs. <p><i>Social and Cultural</i></p> <ul style="list-style-type: none"> There are no identified social or cultural costs. 	<p>building typologies contribute to well-functioning urban environments.</p> <ul style="list-style-type: none"> The replacement of the exemption under CCZ-S4.1 and CCZ-S4.2 will provide for protection of identified locations in the City that might otherwise be adversely affected if the 22 m minimum height requirement was imposed. The addition of assessment criteria provides for design flexibility and positive on and off-site amenity outcomes, where the standard is not met. <p><i>Economic</i></p> <ul style="list-style-type: none"> Simplified consenting pathway for small-scale commercial activities such as coffee-carts and container-based retail assist landowners to gain revenue from a vacant site. By allowing for exemptions to the minimum height standard in appropriate locations, costs associated with resource consent applications will be reduced. The addition of assessment criteria will provide clarity and reduce consenting complexity, with associated costs. <p><i>Social</i></p> <ul style="list-style-type: none"> Small-scale commercial activities such as coffee-carts and container-based retail will provide opportunities for social and activities in proximity to apartments and commercial buildings. <p><i>Cultural</i></p> <ul style="list-style-type: none"> There are no identified cultural benefits.
<p><i>Effectiveness and efficiency</i></p> <p>This option is considered to be an efficient and effective way to resolve the issue.</p> <ul style="list-style-type: none"> Change 1 (exemption for accessory buildings within CCZ-S4) will ensure that low height buildings can be constructed where these are ancillary to the primary building on the site, and it is appropriate to do so; Change 2 (exemptions for small buildings within both CCZ-S4 and MCZ-S2) will provide for small scale retail outlets such as coffee carts and container-based retail to be installed on sites, and other types of buildings such as public toilets (where these are inside a site and not on public land); Change 3 (exemptions where other standards set lower building heights) will remove potential conflicts within the District Plan provisions; Change 4 (addition of assessment criteria to CCZ-S4) will provide clarity as to how an application that is non-compliant with the standard is to be assessed; and Change 5 (deletion of requirements to address CCZ-S4 from CCZ-R23) will remove a conflict between the rule and wording of the standard and ensure that the minimum height standard is achieved the overring policy intent, being to optimise the available development capacity of land (CCZ-P5.2). 	

The proposed changes are considered to align with Objective 1 of the NPS-UD with respect to enabling well-functioning urban environments and policies 1 and 3. Additionally, the changes align with the strategic direction of the 2024 District Plan, including CC-O2 and CC-O3.

With respect to the specific CCZ policy direction, the intent of the proposed amendments is to remove unnecessary constraints on small-scale under-height buildings, thereby enhancing the vibrancy and vitality of CCZ and MCZ sites. Hence the changes are an effective mechanism for achieving CCZ-O5 / MCZ-O3 (Amenity and Design) and the underlying policy frameworks.

Overall evaluation of Option 2

The changes detailed in this assessment will address issues that prevent the standard from being applied as intended, while providing for further flexibility to ensure that the minimum building height requirement does not unduly prevent small scale development in appropriate locations.

The proposed amendments involve a suite of changes that will ensure that:

- i. Accessory buildings and other small buildings that need not be 22 m / 7 m in height are exempt from the CCZ and MCZ '*minimum building height*' standards will not require resource consent (in relation to these standards);
- ii. Additions and alterations to buildings in the CCZ are not required to achieve the 22 m minimum building height;
- iii. CCZ and MCZ buildings that should meet the minimum height standards would not be Permitted Activities and would need resource consent where the standards are not met;
- iv. Where the CCZ standard is not met, there is guidance in the standard as to the matters relevant to the assessment of the non-compliant building height.

Therefore, the recommended option is to adopt the changes set out in the assessment above (Changes 1 to 5).

Option 3: Clarify how minimum ground level is measured

Also in relation to CCZ-S4, the Council's Resource Consents Team is concerned that it is unclear how the standard is intended to be measured. They note that, unlike CCZ-S1 (Height threshold) which sets out components of the building that are not included in the calculation of building height, the minimum building height standard is just a simple statement. They have queried whether:

- a. The entirety of the building needs to meet the standard or only part, for example, how is the standard applied if a building has a stepped roof profile; and
- b. Parapets and structures on top of buildings (such as lift overruns and plant) contribute to the measurement of building height.

Further clarification is appropriate, particularly as failure to comply with the standard will both change the activity status of an application and impose a requirement to consider the City Development Outcomes policy (CCZ-P11 or MCZ-P10).

The intent of the standard is to ensure that the development potential of a site is maximised; however, this does not mean that a blanket 22 m (or 7 m in the MCZ) height must be achieved across the site. In fact, height and roofline articulation are principles of good urban design that will assist a building to positively contribute to, and integrate with, its receiving environment.

Hence it is acceptable that part, and not the entirety, of a building meets the applicable height standard.

That said, if only 'part' of the building is expected to meet the standard, then consideration needs to be given to 'how much' is required to ensure that the intent of the standard is achieved. Different building designs are demonstrated below.



It makes sense that the skyscraper buildings on the left above would be considered to meet the standard, as while the building tops taper the main bulk of the buildings achieves a consistent height. Conversely, the podium and tower building on the right has a high portion and a lower profile portion of a similar footprint.

Note that the building on the far left provides an example where an antenna achieves additional building height.

When considering options for amending the standard to address the questions raised by the Resource Consents Team it is noted that:

- While CCZ-S1 provides exemptions with respect to measuring maximum height, these are not entirely fit for purpose.
- A review of other District Plans has revealed no other Councils have an equivalent minimum build height standard, which is unsurprising given Wellington City is the first Tier 1 Council to undertake a full Plan review under the NPS-UD.

It is important that the standard reflects that there will be a range of building typologies in the CCZ, and in fact this should be encouraged. Therefore, it is recommended that the height standard applies to at least 50% of a building. Where there are multiple buildings, then the minimum height should apply to 50% of the built development. This is a reduction from the current situation, where the standard has no minimum thereby implying that all of a building needs to meet the minimum height requirement, and that all buildings on the site must be at least 22 m in height. The proposed change seeks to recognise that 100% site coverage at the 22 m height will be unrealistic on a lot of sites – particularly large-scale sites, where a development comprising of several buildings will be more appropriate than one large building. This change provides for design flexibility, and improved urban design and on-site amenity outcomes. For example, an internal open space area, or design that references the height of scheduled heritage items on adjacent site(s).

<p>On the basis that this change represents a departure from the existing standard and seeks to improve design outcomes, an additional assessment criterion to provide for positive on or off-site design outcomes to be considered is also recommended.</p> <p>For completeness, the following minor changes to CCZ-S4 and MCZ-S2 are recommended:</p> <ol style="list-style-type: none"> Changes to the CCZ standard (as discussed previously) to clarify that the standard need not be met where another District Plan standard sets a lower height limit – notably, the existing standard does not recognise that CCZ-S2 and CCZ-S6 may restrict building height. The deletion of the words ‘<i>ancillary to the primary activity on the site</i>’ from the exemption for accessory buildings at MCZ-S2 on the basis that the definition of ‘accessory building’ specifies this is a building ancillary to the primary use. Hence this standard, and the new CCZ exemption, only refer to accessory buildings. 		
<p>Costs</p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> If the exemptions are not carefully considered, the environmental cost is that under-development of CCZ and MCZ sites will occur. This is a manageable risk. <p><i>Economic</i></p> <ul style="list-style-type: none"> There are no economic costs other than those identified in the original section 32 report. <p><i>Social</i></p> <ul style="list-style-type: none"> There are no identified social costs. <p><i>Cultural</i></p> <ul style="list-style-type: none"> There are no identified cultural costs. 	<p>Benefits</p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> The change will allow for variety in height profiles and building designs. Additionally, the requirement that 50% of a building, or buildings, on a site needs to meet the height standard will provide opportunities for on-site amenity (such as shared open space) and quality public amenity outcomes. Overall, reduced constraints on height will provide for high-quality design outcomes, consistent with the policy direction (CCZ-P9, MCZ-P7). <p><i>Economic</i></p> <ul style="list-style-type: none"> The change will provide clarification as to how the standard is applied, thereby providing certainty at the design stage and reducing resource consent application costs. <p><i>Social</i></p> <ul style="list-style-type: none"> There are no identified social benefits. <p><i>Cultural</i></p> <ul style="list-style-type: none"> There are no identified cultural benefits. 	<p>Benefits</p> <p><i>Environmental</i></p> <p><i>Economic</i></p> <ul style="list-style-type: none"> <p><i>Social</i></p> <ul style="list-style-type: none"> <p><i>Cultural</i></p> <ul style="list-style-type: none">
<p><i>Effectiveness and efficiency</i></p> <p>The additional recommended changes to CCZ-S4 and MCZ-S2 are considered to be an effective way of clarifying how minimum building height is intended to be measured. This change will provide certainty at the design stage and facilitate a more efficient resource consent process.</p>		
<p><i>Overall evaluation of Option 3</i></p> <p>With respect to Option 3, the <u>recommended option</u> is to provide additional clarity within CCZ-S4 and MCZ-S2 as to how minimum building height is measured. This is considered to be beneficial to developers, Council officers and the public in general as it removes uncertainty as to how the provisions are intended to be applied.</p>		

Risk of acting/not acting

There is sufficient information to analyse the appropriateness of acting or not acting.

Notably, if the status quo is retained and there is no Permitted Activity provision for small-scale buildings of the types demonstrated at Appendix 1, there is the risk of unintentionally preventing any form of development on these sites, particularly in the current economic climate. This would not align with the requirements of the NPS-UD or the strategic direction of the 2024 District Plan.

Conversely, by permitting small scale development, activation of otherwise vacant CCZ and MCZ sites can occur. This is particularly important in the CCZ and will assist to achieve various objectives of the Plan – such as to create vibrant centres that accommodate a range of building typologies and create a localised sense of place. Facilities such as pop-up coffee carts and public toilets contribute to improve the public experience of these centres, whereas large vacant sites do not.

Additionally, changes to CCZ-S4 and MCZ-S2 to clarify how minimum height should be measured will assist with the application of the standard, benefitting both developers and Council officers assessing resource consent applications.

Therefore, in this case it is appropriate to make changes to the rules and standards to ensure the effective implementation of the District Plan.

Recommended Options

As detailed in this report, Option 1 (Retaining the status quo) will not resolve the issue.

To ensure the issue is appropriately addressed a full review of the applicable CCZ and MCZ rules and standards has been undertaken in this report.

Following the assessment above, it is recommended that Options 2 and 3 are implemented, with the changes involving:

- i. The addition of new exemptions to the CCZ and MCZ '*minimum building height*' and '*minimum ground floor height*' standards to clarify when and how these are applied (Options 2);
- ii. The addition of assessment criteria at CCZ-S4;
- iii. The addition of clarification in CCZ-S4 and MCZ-S2 as to how minimum building height is measured; and
- iv. The deletion of references to CCZ-S4 from CCZ-R23;

This approach will ensure that the minimum height standards do not introduce unintended barriers to development of CCZ and MCZ sites and that both the rules and standards can be appropriately applied.

As demonstrated in the assessment above, for the most part there are limited costs and benefits associated with the recommended changes. Overall, the costs of not acting are considered to be greater than the costs of amending the provisions as recommended.

Consultation

The recommended amendments at Options 2 and 3 have been discussed with members of the Resource Consents Team to ensure that these resolve the identified issue.

This involved:

- i. An initial workshop to ensure that the issue has been identified correctly and outline the possible options; and
- ii. A follow up workshop to consider and 'user test' the amended provisions.

The recommended amendments have also been discussed with the Council's Urban Design Team, who have indicated that the changes are appropriate.

Feedback has been incorporated into the recommendations.

Recommended changes

Recommended changes to the provisions are provided below, with:

- Recommended deletions in **red, strikethrough**; and
- Recommended additions in **red, underline**.

Note that blue text in the ePlan, indicating hyperlinks, has been removed for ease of reading.

City Centre Zone Chapter

1. Amend CCZ-R23: Additions and alterations to buildings and structures

1. Activity status: **Permitted**

Where:

- a. The alterations or additions to a building or structure:
 - i. Do not alter its external appearance; or
 - ii. Involve the placement of solar panels on rooftops; or
 - iii. Involve maintenance, repair or painting; or
 - iv. Involve re-cladding with like for like materials and colours; or
 - v. Relate to a building frontage that is:
 - below verandah level, including entranceways and glazing; and
 - compliant with CCZ-S8; or
 - vi. Are not visible from a public space; and
- b. The alterations or additions:
 - i. Do not result in the creation of new residential units; and
 - ii. Comply with standards CCZ-S1, CCZ-S2, CCZ-S3, ~~CCZ-S4~~, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S15 and CCZ-S16.

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with the requirements of CCZ-R23.1 is not achieved.

	<p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in CCZ-P4, CCZ-P5, CCZ-P6, CCZ-P7, CCZ-P8 CCZ-P9, CCZ-P10, CCZ-P12 and CCZ-P13; 2. The extent and effect of non-compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12, CCZ-S13, CCZ-S15 and CCZ-S16; 3. Construction impacts on the transport network; and 4. Where CCZ-S1 or CCZ-S4 cannot be complied with, the matters in CCZ-P11. <p>Notification status:</p> <p>An application for resource consent made in respect of rule CCZ-R23.2.a that complies with all of the identified standards in CCZ-R23.2.a.2 is precluded from being either publicly or limited notified.</p> <p>An application for resource consent made in respect of rule CCZ-R23.2.a which results in non-compliance with CCZ-S5, CCZ-S9, CCZ-S10 is precluded from being either publicly or limited notified.</p> <p>An application for resource consent made in respect of rule CCZ-R23.2.a which results in non-compliance with CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S11, CCZ-S12, CCZ-S13, CCZ-S15 and CCZ-S16 is precluded from being publicly notified.</p>
<p>2. Amend CCZ-S4: Minimum building height</p>	
<p>1. A minimum height of 22m is required for new buildings.</p> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> 1. Any site adjoining a site located within a character precinct or Residentially Zoned Heritage Area and thus subject to CCZ-S3; and 2. Any site within the Te Ngākau Civic Square Precinct. 1. Any site subject to CCZ-S2 (Old St Paul's Church – Adjoining site specific building height); and 2. Any site subject to CCZ-S6 (Minimum sunlight access – public space) where a 22 m building height will mean that the standard is infringed; 3. Any site subject to CCZ-S3 (Character precincts and Residentially Zoned heritage areas - Adjoining site specific building and structure height); and 4. Any site subject to CCZ-PREC01-S1 (Te Ngākau Civic Square Precinct – Height Threshold); and 5. Any site subject to HH-S1 (Minimum and maximum heights for heritage areas in the City Centre Zone, Centre Zones and Waterfront Zone); and 	<p><u>Assessment criteria where the standard is infringed:</u></p> <ol style="list-style-type: none"> 1. <u>The extent to which a reduced height is necessary to provide for the functional needs or operational needs of a proposed activity;</u> 2. <u>Whether topographical or other site constraints make compliance with the standard impracticable; and</u> 3. <u>The extent to which the reduced height would facilitate positive on-site or public design outcomes.</u>

Metropolitan Zone Chapter

4. Amend MCZ-S2: Minimum building height

A minimum height of 7m is required for:

- a. New buildings or structures; and
- b. Additions to the frontages of existing buildings.

This standard does not apply to:

- a. Accessory buildings, ~~ancillary to the primary activity on the site;~~ and
- b. Buildings with a total footprint of 60 m² or less.

For the purposes of the standard:

- a. Where there is a single building on the site, compliance is achieved where at least 50% of the building(s) comprising the development meet the 7 m height; and
- b. Minimum building height is measured from the existing ground level to the roof of the building, but does not include:
 - Solar panel and heating components attached to a building;
 - Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. poles, parapets, finials, spires) where these are more than 1 metre in height;
 - Buildings and structures associated with lawfully established rooftop activities; and
 - Lift overruns or rooftop plant.

Assessment criteria where the standard is infringed;

1. The extent to which a reduced height: a. Is necessary to provide for functional needs or operational needs of a proposed activity;
2. Whether topographical or other site constraints make compliance with the standard impracticable or unnecessary; and
3. Whether, for any additions or alterations, the existing ground floor height meets the standard.

5. Amend MCZ-S3: Minimum ground floor height

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

This standard does not apply to:

1. Accessory buildings; and
2. Buildings with a total footprint of 60 m² or less.

Assessment criteria where the standard is infringed:

1. The extent to which a reduced height:
 - a. Will compromise or preclude future use or adaptation of the ground floor for non-residential activities;
 - b. Is necessary to provide for functional needs or operational needs of a proposed activity; and
 - c. Whether topographical or other site constraints make compliance with the standard impracticable or unnecessary.

Consequential Amendments

The recommended changes are specific to the CCZ and MCZ chapters, as these are the only CMUZ chapters requiring minimum building heights. Therefore, no consequential amendments elsewhere in the Plan are required.