

## New Qualifying Matters

67. Mt Victoria Residents' Association [342.5] considers that a new scheme of qualifying matters needs to be designed for Mount Victoria of a broader scope than that currently used in the plan and developed on a 'co-design basis'. Roland Sapsford [305.26] with respect to Aro Valley and Anita Gude and Simon Terry [461.16] made similar submissions.
68. Nick Humphries [223.1] and Phil Keliher [58.2] seeks new qualifying matters be added. These being heritage/character/townscape and amenity values and the lack of adequate infrastructure precluding high density development in Mount Victoria and other inner city suburbs respectively. A similar request was received from Historic places Wellington (supported by Thorndon Residents' Association Inc FS69.102)] for "the aggregation of pre-1930s buildings embodies the historical and cultural values of historic, physical, social, rarity and representativeness and should have special procedural care before they are demolished".
69. Transpower [315] seeks that the National Grid be recognised as a qualifying matter in the plan and accordingly seeks that provisions INF-R22, INF-S12 and SUB-R28 be included as part of the ISPP, rather than the Part One Schedule One process as notified.
70. KiwiRail [408.19, 408.20 (supported by FS80.45 Onslow Community Residents Association, and opposed by FS89.26 Kāinga Ora, FS107.18 Stride, FS108.18 Investore)] seek that a new qualifying matter is added with respect to the rail corridor. It says this is necessary because the development potential enabled under the MDRS risk interference with and maintenance of the rail corridor. They consider 5m to be an appropriate distance.
71. David Stephen [82.3], Ian Law [101.3], Pam Wilson [120.3], Claire Nolan, James Fraser, Bidy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275.8], Wilma Sherwin [306.3], Hugh Good [90.2] Janice Young [140.5] and Onslow Community Residents Association [283.7] seeks that 3-waters infrastructure is interpreted as a qualifying matter under the NPS-UD subpart 6, clause 3.32.
72. The following submitters seek various qualifying matters or identify the presence of qualifying matters –
  - (a) 'Steep side streets and lack of access for emergency vehicles' - Ruapapa Limited [225.2]
  - (b) There are qualifying matters in Hay Street – Pukepuke Pari Residents Association [237.2 (supported by Wellingtons Character Charitable Trust FS82.295, and opposed by FS136.85 Escape Investments)] including
    - a. the costs of urban development
    - b. Iconic location, landscape, hillside, heritage and special character.
  - (c) Sunshine and privacy – Lower Kelburn Neighbourhood Group [356.4 (opposed by Kāinga ora FS89.88)]
  - (d) Noise Rule R3 – Waka Kotahi [370.42].
  - (e) Negative environmental effects of high rise development – Newtown Residents Association [440.10]



Figure 15: Areas recommended for increase to 14m height limit, should the Johnsonville line not be classified as rapid transit

198. In the notified plan map shown above, the blue polygon identifies a wedge of land within a short walk of Khandallah Local Centre that is only zoned for three storeys, even though the blocks either side are zoned for four storeys. The Wellington Outer Suburbs Assessment and Evaluation 2020 does not include an explanation for this exception. I expect it is because the land is higher on the south side of Cockayne Road. Four storeys on top of this would be that much taller when looking from the road. The 2020 Evaluation Report discusses a “gateway experience” along the main road.
199. In my opinion, this consideration is a minor factor, and is inconsistent with NPS-UD direction and the notified plan’s overall pattern of enabling building density near local centres. Also, the land is adjacent to two rail stations and a short walk from community and recreational services.
200. Without NPS-UD Policy 3(c)(i), I would recommend that the minimum building height for the land outlined in blue above be 14 m. This is within scope of submission points Oliver Sangster [112.7 (opposed by FS82.23 Wellington’s Character Charitable Trust)], Matthew Gibbons [148.3 (opposed by FS82.22 Wellington’s Character Charitable Trust)] and Bruce Rae [334.2] ask for the plan to enable higher density development around the Johnsonville Line, irrespective of its NPS-UD “rapid transit” classification.

**Conclusion**

201. In my assessment, the Johnsonville Line fits within the NPS-UD’s definition of a rapid transit service. This means the plan should enable at least six storey building heights within walkable catchments of its rail stations. This is consistent with rapid transit interpretations from the other

Wellington Region councils, national guidance and the Wellington Regional Land Transport Plan. Enabling six storeys in these areas would also meet, or not be inconsistent with, the NPS-UD objectives.

202. This assessment is different from the Council's decision on 23 June 2022 that the Johnsonville Line is not rapid transit.<sup>18</sup> My advice to the Council at the time was along the same lines as in this s42A report. Cursorily, the application of the NPS-UD rapid transit definition to the Johnsonville Line is a question of fact rather than balancing values or planning outcomes. Yet the rapid transit definition is tied to the NPS-UD intensification policies, which is the main concern of many submitters on both sides of the argument, and councillors at their 23 June 2022 meeting.
203. If the Panel determines that the Johnsonville Line is not rapid transit, I would recommend that the plan's general zoning approach around the Johnsonville Line is also consistent with NPS-UD objectives and good planning practice, plus enabling four storeys (14 m maximum building height) in the area outlined in blue in the map above.

#### 4.3.3 Summary of recommendations

204. On balance, after considering the factors above and the submission points raised, I recommend:
- a) **HS1-Rec4:** The plan provisions should not be changed in advance of the proposed LGWM mass rapid transit routes and stops being identified in the RLTP.
  - b) **HS1-Rec5:** The plan should implement the NPS-UD with the Johnsonville Rail Line as a rapid transit service and all of its stations as rapid transit stops.
  - c) **HS1-Rec6:** To comply with NPS-UD Policy 3(c)(i), the plan's Medium Density Residential Zone within a walkable catchment of Crofton Downs Station, Ngaio Station, Awarua Street Station, Simla Crescent Station, Box Hill Station, Khandallah Station and Raroa Station should be rezoned to High Density Residential Zone (maximum height 21 m). The extent of walkable catchments is recommended in Section 4.4.
  - d) **HS1-Rec7:** If the Johnsonville Line is not classified as rapid transit, the plan provisions should not be changed to enable higher density development around the Johnsonville Line stations, with the exception of increasing the maximum building height from 11 m to 14 m in the blue polygon outlined in Figure 15.
  - e) **HS1-Rec8:** Add a definition of rapid transit: "RAPID TRANSIT has the same meaning as 'rapid transit service' in the National Policy Statement on Urban Development 2020, as follows: 'means any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic'. For the avoidance of doubt, rapid transit within the

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<sup>18</sup> Pūroro Āmua Planning and Environment Committee meeting 23 June 2022 minutes: <https://wellington.govt.nz/-/media/your-council/meetings/committees/puuroro-aamua---planning-and-environment-committee/2022-06-23-minutes-papec.pdf>

boundaries of Wellington City includes the Johnsonville Rail Line, the Kāpiti Rail Line and the Hutt/Melling Rail Line.” The Johnsonville Line reference is subject to the recommendations above.

- f) **HS1-Rec9:** Amend the definition of rapid transit stop: “RAPID TRANSIT STOP means a place where people can enter or exit a rapid transit service, whether existing or planned. For the avoidance of doubt, rapid transit stops with walkable catchments within the boundaries of Wellington City include Wellington Railway Station, Ngauranga Railway Station, all Johnsonville Rail Line stations, and the Kapiti Rail Line’s Takapu Road, Redwood, Tawa and Linden stations. The Kenepuru Rail Station is a rapid transit stop but only part of its walkable catchment is within Wellington City. The Johnsonville Line reference is subject to the recommendations above.
- g) **HS1-Rec10:** The requests for the Council to release criteria and ask GWRC to review its use of the One Network Framework are outside the scope of the plan.

#### 4.3.4 S32AA evaluation

205. In my opinion, based on the analysis above, the amendments to the zones and definitions relating to rapid transit and the Johnsonville Line are the most appropriate way to achieve the objectives of the plan than the notified provisions. In particular, I consider that:

- a) The amendments better give effect to the NPS-UD directions, in particular the “rapid transit service” definition and Policy 3(c)(i).
- b) The amendments are clearer and more directive.
- c) The amendments are not inconsistent with the existing plan objectives.

206. The environmental, economic, social and cultural effects of the recommended amendments to the Johnsonville Line as rapid transit, as they vary from the existing plan Evaluation Report, are below. The effects are loosely grouped into four categories for convenience, but have some category overlap.

**Environmental** Limited numbers of additional 4-6 storey apartments would be built in the affected neighbourhoods. Based on the Property Economics estimates, this could be around 278 apartment units over 30 years (median projection). This is only 0.9%–1.4% of the Council’s Planning for Growth estimate of 20,000–32,000 new houses.

Because most housing growth in these neighbourhoods is expected to be 2-3 storey terrace houses and townhouses, the effect of these new apartments on the urban form will be minor, although there could be significant effects on adjacent properties.

**Economic** Property Economics estimate 773 additional apartments would be commercially realisable. This would increase supply of land for higher density apartments, which would have a small positive effect of limiting the price rises of land suitable for apartments, making them relatively more affordable. Note this is higher than the number that may actually be built based on population projections, which could be around 278 apartments. This is based on 10 minute walkable catchments with HDRZ.

In section 4.4 below I recommend 5 minute walkable catchments with HDRZ for most Johnsonville Line stations. With 5 minute walkable catchments the number of apartments would be even lower – perhaps one third, or 93 apartments.

The increased supply is unlikely to noticeably affect Wellington City’s economic growth or employment, as over time these suburban apartment developments would otherwise be built in other locations, e.g. Johnsonville, Newtown.

**Social** Khandallah has most services that a community would want: schools, supermarket, restaurants, bush walks, local parks, doctors, dentist, library, community centre, pharmacy, bus hub, post boxes, sports facilities, etc. Ngaio and Crofton Downs have fewer supporting shops and services. Enabling six storey building heights in these areas would allow more people and communities to better provide for their social wellbeing and contribute to a community through easy access to these services, shops and amenities. However, the scale of this positive effect is likely to be small because of the median estimate of 278 extra apartment units across these suburbs over 30 years. This higher density housing may (in part) support putting whānau Māori into quality, safe, warm and affordable housing. Again, this effect would be minor.

**Cultural** No cultural effects different from those in the plan’s Evaluation Report.

## 4.4 Size and definition of walkable catchments to implement NPS-UD Policy 3(c) (ISPP)

(Author: Andrew Wharton)

### Evolution of walkable catchments into plan

207. Wellington City often uses GIS calculations of walkable catchments for city planning: parks, public transport, community services, etc. In the plan, walkable catchments are used to give effect to NPS-UD Policy 3(c): “... enable building heights of at least 6 storeys within at least a walkable catchment of the following:

- (a) Existing and planned rapid transit stops
- (b) The edge of city centre zones
- (c) The edge of metropolitan centre zones.”

208. Councils must determine the size of walkable catchments that apply to their district plans, because national and Wellington regional RMA direction has not specified them. Here is a brief summary of how the Council has defined walkable catchments.

209. The Draft Wellington City Spatial Plan (August 2020) was released just after the NPS-UD was published in July 2020. Within this short timeframe, Council staff determined, for public consultation, that the walkable catchments should be:

- (a) Five minutes from: Johnsonville Rail Line stations (except for Johnsonville Rail Station), Linden, Redwood and Takapu Road Rail Station.

#### **4.4.1.1 Mass rapid transit stations**

217. Larger catchments around mass transit stations generally Zoe Ogilvie-Burns [131.5], Anne Lian [132.4], Ingo Schommer [133.5 (opposed by Ann Mallinson FS3.27, Helen Foot FS62.29)], Olivier Reuland [134.5], Ella Patterson [138.2], Braydon White [146.6], Jill Ford [163.2], Amos Mann [172.12], Patrick Wilkes [173.6], Peter Gent [179.5], Peter Nunns [196.7], Andrew Flanagan [198.2], Wellington City Youth Council [201.19], Richard W Keller [232.8], Regan Dooley [239.6], Svend Heeselholt Henne Hansen [308.3], Henry Bartholomew Nankivell Zwart [378.6], Kāinga Ora [391.39 (opposed by FS80.18 Onslow Residents Community Association)], Matthew Tamati Reweti [394.6], David Cadman [398.5], Emma Osborne [410.5 (opposed by Ann Mallison FS3.17)], Luke Stewart [422.2], Daniel Christopher Murray Grantham [468.1 and 468.2 (supported by Elayna Chhiba FS131.30 and FS136.2 Escape Investments limited)], Parents for Climate Aotearoa [472.6 and 472.8] and Johnathon Markwick [490.9 (opposed by Ann Mallinson FS3.30, Helen Foot FS62.32, Wellingtons Character Charitable Trust FS82.38, LIVEWELLINGTON FS96.72, and supported by Escape Investments Ltd FS136.39)].
218. 10 minutes from all rapid transit stations – WCC ERG [377.5, 377.11] and Penny Griffith [418.4 (opposed by FS 131.8 Elayna Chhiba, FS136.35 Escape Investments ltd and Rod Bray FS137.30)].
219. 800 m from all rapid transit stations – Waka Kotahi [370.43] (a minimum), Kāinga Ora [391.40, 391.41].
220. 15 minutes from all train/rapid transit stations - Jack Chu [4.1], Gen Zero [254.11 (opposed by Ann Mallinson FS3.21, Helen Foot FS62.23, Wellingtons Character Charitable Trust FS82.36, LIVEWELLINGTON FS96.70, and supported by Kāinga ora FS89.72)], Ella Patterson [138.2], Grant Buchan [143.7], Braydon White [146.7], Amos Mann [172.13], Richard W Keller [232.6], Gen Zero [254.8], Paihikara Ki Pōneke Cycle Wellington [302.12, opposed by Wellington’s Character Charitable Trust FS82.42, LIVE WELLington FS96.76)], Kāinga Ora [391.40, 391.41], Johnathon Anderson [397.7], David Cadman [398.6], Emma Osborne [410.5], VicLabour [414.17, 414.18 (opposed by Wellington’s Character Charitable Trust FS82.50 and FS96.84 LIVEWELLington)], Miriam Moore [433.4 and 433.7 (opposed by FS96.56 LIVEWELLington)], Daniel Christopher Murray Grantham [468.2], Parents for Climate Aotearoa [472.7]. Simon Ross [37.2 (supported by FS131.49 Elayna Chhiba, FS136.77 Escape Investments Limited, 137.41 Rod Bray] also says 15 minutes or 1,200 m whichever is greater. Cameron Vannisselroy [157.2 (opposed by Helen Foot FS62.8, Wellington’s Character Charitable Trust FS82.26, 302.11LLington FS96.60, Living Streets Aotearoa FS130.2)] also supports 15-20 minutes.

#### **4.4.1.2 Kapiti Rail Line stations**

221. 10 minutes from Kapiti Rail Line stations – Murray pillar [393.9]
222. 10 or 15 minutes from Kapiti Rail Line stations, including all of Taylor Terrace and its side streets, Oxford St (Tawa), Findlay Street, Handyside Street, Redwood Avenue and McKeefy Grove, Sunrise Boulevard – Johnathon Markwick [490.13]
223. 15 minutes from Kapiti Rail Line stations – Mirian Moore [433.7]

224. 20 minutes from Kapiti Rail Line stations - Conor Hill [76.12 (opposed by Ann Mallison FS3.8, Helen Foot FS62.10, Wellington's Character Charitable trust FS82.28, LIVEWELLington FS96.62]
225. 10 minutes from Linden Rail station (inferred) or just 292 Main Road to be allowed six storeys – 292 Main Road Ltd [105.2]

#### **4.4.1.3 Johnsonville Rail Line stations**

226. Many submitters supported the Johnsonville Line not being classified as rapid transit, hence having no walkable catchments around its stations. Refer to the Johnsonville Line in section 4.3 of this report for discussion of these submission points.
227. 5 minutes from Johnsonville Rail Line stations – Noelle Pause [55.3], Bruce Rae [334.2].
228. 10 minutes from Johnsonville Rail Line stations – Investore [405.23], Stride [470.8 (opposed by FS80.52 Onslow Community residents association, FS114.30 Johnsonville Community Association)].
229. 800 m from all Johnsonville Rail Line stations Waka Kotahi [370.43] (a minimum), Kāinga Ora [391.40]
230. 15 minutes from Johnsonville Rail Line stations Gen Zero [254.7, 254.13 (Opposed by Onslow Community Residents Association FS80.43, Johnsonville community association FS114.9, and supported by Kāinga ora FS89.74), Dawid Wojasz [295.4 (opposed by Ann Mallinson FS3.15)], Kāinga Ora [391.406], Johnathon Markwick [490.12].
231. 20 minutes from Johnsonville Rail Line stations - Conor Hill [76.10].

#### **4.4.1.4 LGWM MRT lines east and south**

232. 20 minutes from planned LGWM mass rapid transit stops to the east and south – Conor Hill [76.12].

#### **4.4.1.5 Centres generally**

233. Larger catchments around centres generally Zoe Ogilvie-Burns [131.4 (supported by Elayna Chhiba FS131.4), Anne Lian [132.3 (supported by Elayna Chhiba FS131.7, Rod Bray FS137.33, Escape Investments Ltd FS136.26)], Robert Murray [133.4 (Supported by FS131.6 Elayna Chhiba and opposed by FS3.26 Ann Mallinson and FS62.28 Helen Foot)], Olivier Reuland [134.4 (supported by Elayna Chhiba FS131.17, Escape Investments Limited FS136.16 and FS136.44, Rod Bray FS137.5)], Ella Patterson [138.3 (supported by Elayna Chhiba FS131.31, Escape Investments Limited FS136.15 and FS136.59, Rod Bray FS137.17)], Braydon White [146.5 (supported by Elayna Chhiba FS131.28, Escape Investments Limited FS136.25 and FS136.56, Rod Bray FS137.31)], Jill Ford [163.3 (supported by Elayna Chhiba FS131.22, Escape Investments Limited FS136.6 and FS136.50, Rod Bray FS137.12)], Amos Mann [172.11 (supported by Escape Investments Limited FS136.41, Rod Bray FS137.38)], Patrick Wilkes [173.5], Peter Gent [179.4 (supported by Elayna Chhiba FS131.21, Escape Investments Limited FS136.18 and 136.49, Rod Bray FS137.21)], Peter Nunns [196.6 (supported by Elayna Chhiba FS131.45, Escape Investments

Limited FS136.73, Rod Bray FS137.36]), Andrew Flanagan [198.1 (supported by Escape Investments Limited FS136.21 and FS136.40, Rod Bray FS137.24)], Richard W Keller [232.7 (supported by Elayna Chhiba FS131.25, Escape Investments Limited FS136.9 and FS136.53, Rod Bray FS137.11)], Regan Dooley [239.7 (supported by Elayna Chhiba FS131.20, Escape Investments Limited FS136.3 and FS136.48, Rod Bray FS137.1)], Svend Heeselholt Henne Hansen [308.2 (supported by Elayna Chhiba FS131.2)], Henry Bartholomew Nankivell Zwart [378.4 and 378.7 (opposed by FS3.22, FS3.25 Ann Mallinson and FS62.27 Helen Foot) 378.6 (opposed by Ann Mallinson FS3.24, Helen Foot FS62.26, and supported by FS136 Escape Investments, FS137.47 Rod Bray)], Kāinga Ora [391.39], Matthew Tamati Reweti [394.5, 394.7 (Opposed by FS 82.18 Wellingtons Character Charitable Trust and FS96.55 LIVEWELLington)], David Cadman [398.4 (supported by FS131.27 Elayna Chhiba, Escape Investments FS136.8, FS137.10 Rod Bray)], Emma Osborne [410.4 (opposed by Ann Mallinson FS3.16, and supported by FS136.10 and FS137.13 Escape Investments Ltd and Rod Bray)], Luke Stewart [422.1 (supported by FS131.16 Elayna Chhiba, FS136.30, FS136.43 Escape Investments Ltd, FS137.43 Rod Bray)], Daniel Christopher Murray Grantham [468.1], Parents for Climate Aotearoa [472.5, 472.8 (supported by Elayna Chhiba FS131.9, Escape Investments Limited FS136.31/36)], Johnathon Markwick [490.8 (opposed by FS3.29 Ann Mallinson, FS62.31 Helen Foot, FS82.37 Wellingtons Character Charitable Trust, FS96.71 LIVEWELLington, FS130.5 Living Streets Aotearoa, and supported by FS136.5 Escape Investments limited, FS137.8 Rod Bray)]. Cameron Vannisselroy [157.1 (opposed by Helen Foot FS62.7, Wellington's Character Charitable Trust FS82.25, LIVE WELLington FS96.59, Living Streets Aotearoa FS130.1, supported by Elayna Chhiba FS131.32, Escape Investments Limited FS136.7 and FS136.60, Rod Bray FS137.9)] said in general these should be 15-20 minutes.

234. Reduced walking catchments, particularly around the Newtown suburban centre [440.9]

#### **4.4.1.6 City Centre Zone**

235. Supporting 10 minutes from City Centre Zone - Gareth Morgan [18.1, 18.2 (Supported by Living Streets Aotearoa FS130.10, opposed by Elayna Chhiba FS131.15, Escape Investments Limited FS136.42 and Rod Bray FS137.32)], Joanne Morgan [19.2 (Opposed by FS136.45, Escape Investments Limited, Elayna Chhiba FS131.18)], Ann Mallinson [81.2 (opposed by Elayna Chhiba FS131.33, Escape Investments Limited FS136.61, FS137.18 Rod Bray)], Oriental Bay Residents Association Inc [128.1 (opposed by FS131.24 Elayna Chhiba, FS136.52 Escape investments limited, FS 137.4 Rod Bray)], Jennifer Mary Gyles [147.1 (supported by Living Streets Aotearoa FS130.11, opposed by Elayna Chhiba FS131.19, Escape Investments Limited FS136.47, Rod Bray FS137.6)], Tore Hayward [170.1 (opposed by Elayna Chhiba FS131.50, Escape Investments Limited FS136.78, Rod Bray FS137.42)], Scott Galloway and Carolyn McLean [171.1 (supported by Living Streets Aotearoa FS130.14, opposed by Elayna Chhiba FS131.29, Escape Investments Limited FS136.57, Rod Bray FS137.37)], Ruapapa Limited [225.1 (supported by Living Streets Aotearoa FS130.13)], Wellingtons Character Charitable Trust [233.8 (supported by Thorndon Residents' Association Inc FS69.89)], Victoria Stace [235.1 (opposed by Elayna Chhiba FS131.46, Escape Investments Limited FS136.74)], Pukepuke Pari Residents Incorporated [237.1 (supported by Living Streets Aotearoa FS130.12, opposed by Elayna Chhiba FS131.23, Escape Investments Limited FS136.51, Rod Bray FS137.3)], Richard Martin [244.1], Paul Ridley-Smith [245.1 (opposed by Escape Investments Limited FS136.88)], Richard Tweedie [392.1 (opposed



by FS131.43 Elayna Chhiba, FS136.74 Escape Investments, FS137.34 Rod Bray)), Murray Pillar [393.8 (Supported by FS69.79 Thorndon Residents' Association)], Penny Griffith [418.4]. Some of these submitters - Gareth Morgan [18.2], Oriental Bay Residents Association Inc [128.1], Jennifer Mary Gyles [147.1], Scott Galloway and Carolyn McLean [171.1] would also support a 5 minute catchment.

236. "Well beyond" 10 minutes from the City Centre Zone - Elayna Chhiba [480.1]
237. 15 minutes from City Centre Zone - MHUD [121.1, 121.3], Grant Buchan [143.8], Gen Zero [254.8, 254.14 (supported by Kāinga Ora FS89.75, Elayna Chhiba FS131.36, Escape Investments Limited FS136.64)], Paihikara Ki Pōneke Cycle Wellington [302.10 (opposed by Wellington's Character Charitable Trust FS82.40, LIVE WELLington FS96.74, supported by Elayna Chhiba FS131.42, Escape Investments Limited FS136.1, FS136.20 and FS136.70, Rod Bray FS137.23)], Rod Bray [311.1 (opposed by Living Streets Aotearoa FS130.6, supported by Elayna Chhiba FS131.40, Escape Investments Limited FS136.23 and FS136.68 Rod Bray FS137.26), 311.2 (opposed by Living Streets Aotearoa FS130.7, supported by Elayna Chhiba FS131.41, Escape Investments Limited FS136.24 and FS136.69, Rod Bray FS137.27)], Trevor Farrer [332.1 (supported by 131.5 Elayna Chhiba)], Property Council [338.3 (opposed by FS37.1 Pukepuke Pari Residents Association, FS38.16 Gareth and Joanne Morgan, FS82.43, FS82.43 Wellington's Character Charitable Trust, FS94.1 Don McKay, FS96.77 LIVEWELLington, and supported by FS136.47, FS136.22, FS136.75 Escape Investments, FS137.25 Rod Bray)]., WCC ERG [377.5, 377.11 (opposed by FS130.9 Living Streets Aotearoa)], Miriam Moore [433.8 (supported by FS131.1 Escape Investments Ltd), Rachel Leilani [464.2 (Supported by FS136.80 Escape Investments Ltd and FS137.29 Rod Bray)], Escape Investments [484.2 (opposed by Ann Mallinson FS3.19, Gareth and Joanne Morgan FS38.23, Helen Foot FS62.21, Don MacKay FS94.21)], Jonathan Markwick [490.10 (opposed by Ann Mallinson FS3.31, Don MacKay FS94.23, Pukepuke pari residents association FS37.23, Gareth and Joanne Morgan FS38.21, Helen Foot FS62.33, Wellington's character charitable trust FS82.39, LIVEWELLington FS96.75)]. Simon Ross [37.2] also says 15 minutes or 1,200 m whichever is greater.
238. 15-20 minutes or 1500 m from City Centre Zone - Kāinga Ora [391.40, 391.41]
239. 20 minutes from City Centre Zone – Conor Hill [76.13, opposed by Ann Mallison FS3.9, Helen Foot FS62.11, Wellington's Character Charitable trust FS82.29, LIVEWELLington FS96.63, Living Streets Aotearoa FS130.3, and supported by FS131.34 Elayuna Chhiba, FS136.14, FS134.62 Escape Investments Limited, FS137.19 Rod Bray]], Wellington City Youth Council [201.18 (supported by Escape Investments Limited FS136.19 and 136.38, Rod Bray FS137.22)], Vic Labour [414.14 (opposed by FS82.46 Wellingtons Character Charitable Trust, FS96.80 LIVEWELLington, FS130.8 Living Streets Aotearoa and supported by FS131.48 Elayna Chhiba, FS136.76 Escape Investments Limited, FS137.40 Rod Bray)].
240. Minimum 1.5 km from the City Centre Zone – Waka Kotahi [370.43]
241. At least 12 storeys enabled within 400 m of City Centre Zone - Kāinga Ora [391.42 (opposed by Pukepuke Pari Residents Association FS37.6, Gareth and Joanne Morgan FS38.18, FS80.21

Onslow Community Residents Association, FS94.6 Don Mckay, FS96.8 LIVEWELLington, FS114.36 Johnsonville Community Association, FS117.8 Roland Sapsford and supported by FS54.6 Gen Zero)].

242. At least 8 storeys enabled within 800 m of City Centre Zone - Kāinga Ora [391.42 (supported and opposed as above)].

#### **4.4.1.7 Metropolitan Centre Zones**

243. 800 m from Metropolitan Centre Zones – Waka Kotahi [370.43 (a minimum)], Kāinga Ora [391.40, 391.41 (opposed by FS37.5 PukuepukePari Residents Association, FS38.17 Gareth and Joanne Morgan, FS80.19 Onslow Community Residents Association, FS84.26 GWRC, FS94.6 Don Mckay, FS96.6 LIVEWELLington, FS114.20 and FS114.34 Johnsonville Community Association, FS117.6 and 117.7 Roland Sapsford and supported by FS54.5 Gen Zero, FS131.38 Elayna Chhiba, FS136.12, 136.66, 131.67 Escape Investments, FS137.15 and 137.16 Rod Bray)].
244. 10 minutes from Metropolitan Centre Zones – WCC ERG [377.5 (opposed by FS96.86 LIVEWELLington), 377.11], Murray Pillar [393.8], Penny Griffith [418.4].
245. 15 minutes from Metropolitan Centre Zones – Gen Zero [254.8, 254.10 (supported by Kāinga Ora FS89.71 and opposed by FS3.20 Ann Mallinson, FS62.22 Helen Foot, FS82.35 Wellington’s Charitable Trust and FS96.69 LIVEWELLington)], Paihikara Ki Pōneke Cycle Wellington [302.11 (opposed by Wellington’s Character Charitable Trust FS82.41, LIVE WELLington FS96.75)], Kāinga Ora [391.40, 391.41], Miriam Moore [433.9].
246. 20 minutes from Metropolitan Centre Zones – VicLabour [414.15, 414.16 (opposed by Wellington’s Character Charitable Trust FS82.48 and FS96.82 LIVEWELLington)].
247. Johnsonville MDRZ should be 5 minutes from the Johnsonville Metropolitan Centre - Johnsonville Community Association [429.21, 429.22].
248. Supports “a broad area” of six storey residential development in the Johnsonville catchment – Investore [405.19].
249. 15 minutes from the Johnsonville Metropolitan Centre – Jack Chu [4.3 (opposed by Ann Mallinson 3.28 and 63.30 Helen foot)].
250. 20 minutes from the Johnsonville Metropolitan Centre – Conor Hill [76.15 opposed by Ann Mallison FS3.11, Helen Foot FS62.13, Wellington’s Character Charitable trust FS82.31, LIVEWELLington FS96.63)].
251. “The areas surrounding” the Kilbirnie Metropolitan Centre – Wills Bond [416.10, 416.11].
252. 20 minutes from Kilbirnie Metropolitan Centre – Conor Hill [76.14, (opposed by Ann Mallison FS3.10, Helen Foot FS62.12, Wellington’s Character Charitable trust FS82.30, LIVEWELLington FS96.64)].

253. At least 10 storeys enabled within 400 m of Metropolitan Centre Zones - Kāinga Ora [391.42].

#### **4.4.1.8 Town Centre<sup>20</sup> and Local Centre Zones**

254. 20 minutes from the edge of Tawa (inferred Local Centre Zone)- Conor Hill [76.16 (opposed by Ann Mallison FS3.12, Helen Foot FS62.15, Wellington’s Character Charitable trust FS82.33, LIVEWELLington FS96.67)].

255. 20 minutes from the edge of Newtown (inferred Local Centre Zone) – Conor Hill [76.17 (opposed by Ann Mallison FS3.13, Helen Foot FS62.14, Wellington’s Character Charitable trust FS82.32, LIVEWELLington FS96.66)]].

256. 10 minutes from Local Centre Zones and Town Centre Zones allowing ideally six stories. If not, then unlimited number of homes per section - Conor Hill [76.19, 76.20].

257. 10 minutes, or 400 m – 800 m from Town Centre Zones - Kāinga Ora [391.40, 391.41].

258. At least 8 storeys enabled within 400 m of Town Centre Zones - Kāinga Ora [391.42].

259. 400 m from Local Centre Zones – Waka Kotahi [370.43 (opposed by FS 37.3 Pukepuke Pari Residents Association, FS38.20 Gareth and Joanne Morgan, FS82.14, FS82.51 Wellington’s Character Charitable Trust, FS94.3 Don McKay, FS96.85 LIVEWELLington, FS114.50 Johnsonville Community Association and supported by FS84.94 GWRC, FS89.16 Kāinga Ora, FS136.17 Escape Investments, FS137.20 Rod Bray)].

260. Up to 5 storeys within 5 minutes/400 m of Local Centre Zones - Kāinga Ora [391.40]

#### **4.4.1.9 Wellington Regional Hospital and Victoria University Kelburn**

261. The Johnsonville Community Association [429.17, 429.18] asks that the “highest possible residential intensity” be allowed 10 minutes walking distance from Wellington Hospital Newtown and Victoria University’s Kelburn Campus.

#### **4.4.1.10 Walkable catchment methods**

262. 292 Main Road Ltd [105.2] asks for the WCC definition of walking speed be increased from 4.86 km/hr to 5 km/hr.

263. The Property Council New Zealand [338.4] asks the plan to clarify the starting point of the CCZ’s walkable catchment.

264. John Wilson [453.8] thinks zones should not be set in terms of walking time, but [inferred] distance from a centre point.

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<sup>20</sup> While the plan does not currently have Town Centre Zones, a few submitters asked for rezoning to apply them.

In my view, a walkable catchment larger than 10 minutes to these suburban MCZ destinations would be stretching the willingness to walk that far, and driving, buses or cycling become more popular.

#### **4.4.2.16 Kilbirnie Metropolitan Centre walkable catchment**

367. A number of submitters requested changes to walkable catchments from Metropolitan Centre Zones (MCZ). In Wellington City, the MCZs are the Johnsonville and Kilbirnie commercial centres. Residential areas within a 10 minute walkable catchment of Johnsonville MCZ are zoned to enable six storey buildings. Around the Kilbirnie MCZ, however, only four storeys are enabled one or two blocks to the south and west, and three storeys everywhere else.
368. Willis Bond Co. Ltd. [416] and Conor Hill [76] specifically request a walkable catchment around Kilbirnie MCZ for at least six storeys (excluding qualifying matters).
369. The plan Section 32 Evaluation Report explains that: *“As a Metropolitan Centre zone, Kilbirnie is subject to Policy 3(b) of the NPSUD, meaning that development of at least 6 storeys must be enabled within the centre, and within a walkable catchment of the centre. The Council has determined that the risks of developing these areas to this intensity as a result of natural hazards is inappropriate, and therefore a lower scale of development is provided for in the immediate surrounding residential areas of Kilbirnie.”*<sup>42</sup>
370. This was a different approach than for all other plan walkable catchments, where the catchment is drawn first and then qualifying matters removed from it. The approach is also inconsistent with NPS-UD Policy 3(c)(iii) and Policy 4. District plans must enable six stories within a walkable catchment of the edge of metropolitan centre zones, and can only modify this to the extent necessary to accommodate a qualifying matter. This approach was taken because, until a few months before notification of the plan, the Council did not have the detailed updated modelling to identify the land at risk of tsunami and other coastal hazards.
371. Now that the plan has mapped the natural hazard risks around Kilbirnie, Policy 3(c) can be applied to Kilbirnie in the same detail as other centres. The map below shows the land that would be upzoned to HDRZ, excluding these NPS-UD qualifying matters: Medium Coastal Inundation Hazard, High Coastal Inundation Hazard, Medium Coastal Tsunami Hazard, High Coastal Tsunami Hazard, Liquefaction Hazard Overlay, Stream Corridor, Heritage Building or Structure, Air Noise Overlay, where more than a third of a residential lot is covered by a qualifying matter.
372. The HDRZ map is also aligned to include two small areas outside the black outline, but on closer inspection actually have access within the walkable catchment. The potential HDRZ also

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<sup>42</sup> Section 32 – Part 1 – Context to Evaluation and Strategic Objectives pg 37. <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/reports/section-32-part-1-context-to-evaluation-and-strategic-objectives.pdf?la=en&hash=C433D3521179B827BBCA3822BD154886D619A463>

373. I am wary of recommending that this land hatched in the figure above to be upzoned from MDRZ to HDRZ because the Council has not proposed the upzoning at any stage: Draft Spatial Plan, Final Spatial Plan, Draft plan nor plan. The effects (both positive and adverse) of enabling six storey buildings may be significant. Landowners and residents affected have not had the opportunity to consider and submit on the change. From a best-practice engagement perspective, it would be best for this scale of upzoning to be discussed with the community about its implications and let them have their say. While the NPS-UD requirement to enable six stories in this area would remain, people may raise relevant points about a HDRZ boundary, the effect of LGWM, or other matters.
374. However, NPS-UD Policy 3I(iii) enabling six stories here is clear national direction that must be given effect in district plans. It can only be modified to the extent necessary to accommodate a qualifying matter (NPS-UD Policy 4). RMA Section 80E states that this Intensification Planning Instrument must be used to give effect to Policies 3 and 4 of the NPS-UD. Also, submitters to the plan have queried why Kilbirnie does not have a six storey walkable catchment, and ask for one to be added.
375. To give proper effect to the NPS-UD as required by RMA Section 80E, I recommend that the area mapped below be rezoned to HDRZ with a maximum height of 21 m, and consequential amendments in the HDRZ chapter. This shows the residential zones within ten minutes' walk of the Kilbirnie MCZ, and excludes the qualifying matters below. These are matters that in the plan necessarily limit the building heights and density enabled by the HDRZ within ten minutes' walk of Kilbirnie MCZ.
- (a) Medium Coastal Inundation Hazard
  - (b) High Coastal Inundation Hazard
  - (c) Medium Coastal Tsunami Hazard
  - (d) High Coastal Tsunami Hazard
  - (e) Liquefaction Hazard Overlay
  - (f) Stream Corridor
  - (g) Heritage Building
  - (h) Air Noise Overlay
376. The WIAL Obstacle Limitation Surface Designation will affect some potential six storey developments on the hills west of the Kilbirnie Centre. Developments can still occur, but first need approval from the Airport to avoid or mitigate any flight safety issues.
377. I recognise the natural justice issue of making such a major change without those affected being able to submit on the change. So if the Panel believes this is a determinative factor, I recommend that the residential land within ten minutes' walk of Kilbirnie Metropolitan Centre Zone remain zoned as notified in the plan (subject to any other section 42A report recommendations), and that a new HDRZ around the Kilbirnie Metropolitan Centre Zone be referred back to Wellington City Council to introduce in a separate plan variation or change.

#### 4.4.2.17 Local (and Town) Centre Zones

378. Connor Hill [76] asks for 10 minute walkable catchments around local and town centre zones enabling six stories, citing NPS-UD Policy 3(d): *“within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.”* Kāinga Ora asks for 5 storeys to be enabled within 5 minutes/400 m walkable catchments from LCZ, and a 10 minute walkable catchment from 10 minute/400-800 m) of new Town Centre Zones for Miramar, Newtown and Tawa. The Proposed Plan’s LCZs are Island Bay, Newtown, Hataitai, Karori, Brooklyn, Churton Park, Crofton Downs, Kelburn, Khandallah, Linden, Miramar, Newlands, and Tawa.
379. In my view, the Proposed Plan’s general approach of enabling four storey buildings around local centre zones (unless reason not to, e.g. transport and infrastructure constraints) including Miramar and Tawa is commensurate with the level of commercial activity and community services. It is also generally consistent with the Council’s Spatial Plan, which in turn is based on the Suburban Centres Growth Assessment and Evaluation by Beca and Studio Pacific Architecture<sup>43</sup>.
380. The Wellington City Commercially Feasible Residential Capacity Assessment<sup>44</sup> found that outside of the City Centre, inner city suburbs, Newtown/Berhampore and the Metropolitan Centres, there is little commercially realisable capacity for apartments. This is especially true for apartments over 4 storeys, which have additional foundational and structural costs that can be difficult to recoup. So even if six storeys were enabled around these centres, the number of additional six storey apartments (based on current construction costs and market conditions) would be very few.
381. Newtown LCZ has some six storey HDRZ around it in the Proposed Plan. This is because it is partly within the CCZ’s 10 minute walking catchment, reflects the high range of commercial and community services present, and also on the understanding that LGWM is proposing rapid transit into Newtown<sup>45</sup>. Even if rapid transit does not progress, bus priority improvements<sup>46</sup> from Newtown will be a replacement.

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<sup>43</sup> This study is reported in five files on this webpage: <https://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/whats-in-the-proposed-district-plan/supporting-documents>

<sup>44</sup> <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/reports/supplementary-documents/wellington-city-commercially-feasible-residential-capacity-assessment.pdf?la=en&hash=F92B91D81D51FB60919D730EF765475A093F5469>

<sup>45</sup> <https://lgwm.nz/all-projects/mass-rapid-transit/>

<sup>46</sup> <https://wellington.govt.nz/-/media/parking-roads-and-transport/parking-and-roads/bus-priority/files/wellington-bus-priority-action-plan-draft.pdf?la=en&hash=8CF3F9E547073AE3330C6AFAB407E3BDCDB82F47>

reduces the complexity of assessment for both applicants and the consideration of resource consent applications in relation to height recession planes and adjoining open space;

- The proposed exclusions will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs;
- The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan; and
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

## **Standards – HRZ-S4: Boundary setbacks (ISPP)**

### **Matters raised by submitters**

525. RVANZ seeks HRZ-S4 be retained as notified and supports the exclusion of retirement villages.
526. Several submitters [174.5, 175.5, 202.42, 202.43] seek amendments to increase setbacks for a variety of reasons including access for building maintenance, to minimise damage during an earthquake event, loss of sunlight, streetscape and visual amenity effects, privacy, and rubbish and recycling storage.
527. A significant number of submitters [including 429.38, 245.7, 237.6, 235.6, 202.43, 444.6, 444.7, 481.2] seek that HRZ-S4 applies to developments of 1 to 3 residential units or that all setback exclusions are removed so that the MDRS front, side and rear yard setbacks apply to all buildings and structures.
528. Various submitters [including 137.13 opposed by FS72.89, 235.6, 326.39, 437.10 opposed by FS126.169 and FS128.169, 459.11, 481.25] seek specific amendments to setback requirements, including:
- A reduced front yard setback to 1m, or removal of a front yard setback in its entirety;
  - A minimum front yard setback of 2m;
  - A minimum setback from all boundaries of at least 1.5m;
  - A reduction of side yard setbacks to 0.5m;
  - Removal of side and rear yard setback requirements except that, a minimum width of 1 metre must be maintained between buildings where a residential building (other than an accessory building) on an adjoining site is sited less than 1 metre from the boundary [opposed by FS72.89];
  - Removal of the side yard setback requirement for the first 20m from a front boundary;
  - Require a rear yard setback of 8m;
  - Removal of all exclusions as notified;
  - Apply MDRS side and rear yard setbacks to multi-unit housing and retirement villages. [Further submitters FS126.169 and FS128.169 oppose this relief sought].

## Assessment

537. In response to those submitters who seek that HRZ-S4 is amended so boundary setbacks are reinstated for developments of 1 to 3 units, I have addressed this under HRZ-R13 in paragraph 397, noting that I have recommended that the exclusion under HRZ-R13, which excluded developments resulting in 1-3 residential units from the side yards, be removed. However, I do not support a front yard building setback for one to three residential unit developments in the HRZ. I consider that a front yard is not necessary for developments of 1-3 residential units in a high-density residential environment as this allows for a more efficient use of land.
538. Although very clear in the exclusions that apply to HRZ-S4, I highlight that multi-unit housing and retirement villages are exempt from this standard. Submitters seeking more permissive building setbacks may have overlooked this. Regardless, I do not support applying the yard setbacks in HRZ-S4 to multi-unit housing as there are other more appropriate standards to manage privacy and shading for a high-density residential environment.
539. In response to submitters specifically seeking a greater rear yard setback to push the bulk of buildings to the front of sites and allow for improved sunlight and amenity to private rear yards, I understand the intent of these proposed changes. However, I do not support this given the particular topographical challenges present in Wellington. I am of the opinion that this is a site-specific consideration best left to the planning and design stage to achieve the best outcome for each site. I note that there are also other relevant standards in the PDP (HRZ-S16 and HRZ-S17 that manage dominance and shading of adjoining sites.
540. In response to submitters seeking an increase in building setbacks, I do not support an increase as this would undermine the ability to achieve the anticipated scale of intensification intended for the HRZ. In particular, I do not support a front yard building setback for the purpose of accommodating planting or specimen trees and roots as I consider it appropriate to rely on the road reserve to accommodate large specimen trees. Importantly, any amendment to introduce a building setback control greater than the relevant MDRS would also contravene the statutory requirement in Clause 12 of Schedule 3A of the RMA.
541. I disagree with that part of the Wellington City Council submission point [266.148] which seeks that developments of 1-3 household units are excluded from the front and side setbacks as I consider this to be an inappropriate outcome which does not align with the statutory requirement in Clause 13 of Schedule 3A of the RMA.
542. I also disagree with that part of the Wellington City Council submission point [266.148] which seeks exclusions for multi-unit housing and retirement villages as there are no standards proposed which address these developments and I consider that boundary setbacks in relation to these development types are important and necessary to ensure better amenity and liveability outcomes. I note that the standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.



standard covers this. I agree with Kiwirail Holdings Ltd [408.118] to add a new matter of discretion, as outlined above. This is recommended only if the panel accept my recommendation under MRZ-S4 to apply a 1.5m setback from the rail corridor.

540. I disagree with Rachel Underwood's submission point [458.6] that the standards for setbacks are inappropriate to apply to MRZ-R13 as I consider that the setback standards are necessary to ensure space between adjoining houses. In addition, I note that the proposed metrics are the minimum required under the MDRS.
541. In response to Craig Palmer's submission point [492.18], I note that MRZ-R13 does not propose to preclude limited notification entirely. Although it proposes to exclude limited notification from certain standards, I consider this appropriate as the standards that are precluded from limited notification would result in effects that are only internally discernible to a site and will not have significant effects on surrounding properties. In addition, as this rule only applies to developments where three or less dwellings are proposed, I consider that the effects generated from a development of this type will be less than those generated from a multi-unit development, for which limited notification is not precluded in any circumstance.

#### Summary of recommendations

542. HS2-P3-Rec80: That submission points relating to MRZ-R13 are accepted/rejected as detailed in Appendix B.
543. HS2-P3-Rec81: That MRZ-R13 be amended as set out below and detailed in Appendix A.

### **MRZ-S3: Height in Relation to Boundary**

1. For any site where MRZ-S1 or MRZ-S2.1.a applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown in Diagram 2 below  
(...)
2. For any site where MRZ-S2.1.b applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 5 metres vertically above ground level along all boundaries; and
3. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.

This standard does not apply to:

- c. A boundary with a road;
- d. Existing or proposed internal boundaries within a site; and
- e. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.
- f. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm; and
- g. 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 measured vertically.

### **S32AA Evaluation**

724. In my opinion, the amendment to the MRZ-S2 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- a. The proposed exclusions will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs. The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan.
  - b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

### **MRZ-S4: Boundary Setbacks (ISPP)**

#### **Matters raised by submitters**

725. Several submitters including Nico Maiden [77.3], David Stephen [82.5] and Ian Law [101.5] seek that MRZ-S4 is retained as notified.
726. James Barber [56.4 and 56.5] considers that there should be no setback requirements for low to medium density housing and seeks that MRZ-S4 is deleted in its entirety.
727. Zaffa Christian [174.4] and Jon Gaupset [175.4] oppose MRZ-S4 in relation to developments of 1-3 household units not requiring side and front yard setbacks, due to earthquake damage risk. Kiwirail Holdings Limited [FS72.85 and FS72.86] oppose the submission point on the basis

that yard setbacks are required along rail corridors to ensure people can use and maintain their land and buildings safely.

728. Karen Serjeantson [43.3] seeks that one side boundary of 5-6m is provided, to provide breathing space.
729. Tim Bright [75.9], Janice Young [140.6], Meredith Robertshawe [444.4] and Monique Zorn [205.3] seek that MRZ-S4 is amended so boundary setbacks are reinstated for developments of 1 to 3 units. Victoria Stace [235.4], Paul Ridley-Smith [245.5], Onslow Residents Community Association [283.10] and the Johnsonville Community Association [429.32] also seek that MRZ-S4 is amended to reinstate boundary setbacks for developments of 1 to 3 units but provide specific setback requests being 1.5m from the front yard and 1m from side yards.
730. Nico Maiden [77.3] considers that requiring a smaller front yard will lead to larger back yards and requests that the front yard requirement is reduced to 1m.
731. Hugh Good [90.5] seeks that the requirement for front and side yards is removed.
732. Adamson Shaw [137.9 and 137.10] seeks that the front boundary setback is changed to '1.5m, or 10m less half the width of the road, whichever is lesser'. The submitter also seeks that there is no side or rear yard setback requirement, except that, a minimum width of 1m must be maintained between buildings where a residential building on an adjoining site is located less than 1m from the boundary. The submitter requests these changes as they consider that the current yard setbacks in the ODP are more permissive than the PDP.
733. Vivienne Morrell [155.11] seeks a greater yard setback than 1m for properties adjoining character or heritage areas.
734. Cameron Vannisselroy [157.13] and Richard W Keller [232.15] seek that MRZ-S4 is amended to be consistent with the Coalition for More Homes' alternative medium density residential standards.
735. Russell Taylor [224.2] seeks that MRZ-S4 is amended to not apply to multi-unit developments.
736. The Wellington City Council [266.139] seeks the following changes to MRZ-S4:

...

This standard does not apply to:

- a. Developments of 1-3 household units with respect to the front and side yard set-back requirements;
- b. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed; and
- c. Fences or standalone walls;
- d. Uncovered decks and uncovered structures no more than 500mm in height above ground level;
- e. Eaves up to 600mm in width;
- f. Multi-unit housing; and
- g. Retirement villages.

737. Rimu Architects Limited [318.25] also seek that the amendments under (d) and (e) above are made to MRZ-S4. Kiwirail Holdings Limited [FS72.87] oppose on the basis that exempting 1-3 dwellings from complying with yard setback standards could result in buildings being built on the boundary of rail corridors, which would undermine the ability of people to use land or maintain buildings safely.

738. Kiwirail Holdings Limited [408.119] seeks 5m yard setbacks from rail corridors. This would enable maintenance of buildings to be undertaken safely, without the risk of machinery, equipment or materials protruding into the rail corridor. Kāinga Ora Homes and Communities [FS89.33] oppose on the basis that a considerably reduced setback, from their proposed 5m, would provide adequate space for maintenance of buildings.

739. Johanna Carter [296.14] seeks that MRZ-S4 is amended so that the setback is increased to improve privacy between homes.

740. James Coyle [307.14 and 307.15] seeks that a maximum yard limit is applied, being 4m.

741. Khoi Phan [326.26] seeks that the yard setbacks are amended to 1m from the front yard and 0.5m for side and rear yards.

742. Mt Cook Mobilised [331.13] seeks that MRZ-S4 is amended to allow a 1m wide emergency water tank to be stored in a side yard.

743. Waka Kotahi [370.314] seeks that MRZ-S4 has immediate legal effect.

744. The WCC Environmental Reference Group [377.354] considers that the boundary setbacks do not provide for efficient use of land, and will continue to perpetuate the poor land use practice of infill without regard to long term liveability. The submitter seeks:

- a. Removal of the front yard requirement.
- b. Removal of the side yard requirement for the first 20m from the street frontage to the back.
- c. An increase to the rear yard requirement to 8m.

- 745. Donna Yule [421.3] seeks that the minimum boundary setbacks require at least 1m from any boundary to protect sunlight and privacy.
- 746. Meredith Robertshawe [444.5] seeks that the exemptions applying to common wall buildings and fences is removed to ensure space between separate buildings will be retained.
- 747. The Greater Brooklyn Residents Association [459.8] seeks that the front yard setback is increased to 2m.
- 748. Catharine Underwood [481.1 and 481.23] seeks that a minimum boundary of 2m is applied to ensure space around houses for green areas and rubbish bins, etc.
- 749. Tim Bright [75.4] considers that a boundary setback of 1m should be required between MRZ sites and heritage areas and character precincts.
- 750. The Thorndon Residents Association [333.7] seeks that adequate boundary setbacks are required in every residential zone, 1.5m from the front and 1m from the side being the minimums.

#### Assessment

- 751. In response to those submitters who seek that MRZ-S4 is amended so boundary setbacks are reinstated for developments of 1 to 3 units, I have addressed this under MRZ-R13, paragraph 530, noting further that I have recommended that the exclusion under MRZ-R13, which excluded developments resulting in 1-3 residential units from the side and front yards, be removed.
- 752. In response to those submitters who seek that MRZ-S4 is removed, including James Barber [56.4 and 56.5] and Hugh Good [90.5], I note that the boundary setbacks have been informed by and comply with the statutory requirement in Clause 13 of Schedule 3A of the RMA.
- 753. In response to those submitters who seek greater yard setbacks than what is proposed, I note that granting the relief sought would result in non-compliance with the statutory directive in Clause 13 of Schedule 3A of the RMA.
- 754. In response to Adamson Shaw [137.9 and 137.10], I note that MRZ-S4 has been informed by and complies with the statutory requirement in Clause 13 of Schedule 3A of the RMA. I also consider that the increased level of development anticipated under the PDP, as opposed to the ODP, warrants the boundary setbacks that are proposed as they will help to ensure better amenity and liveability outcomes.
- 755. In response to Vivienne Morrell [155.11] and Tim Bright [75.4], a greater yard setback would be contrary to Clause 13 of Schedule 3A of the RMA.

756. In response to Cameron Vannisselroy [157.13] and Richard W Keller [232.15], I note that MRZ-S4 has been informed by and complies with the statutory requirement in Clause 13 of Schedule 3A of the RMA.
757. I disagree with Russell Taylor [224.2] as I consider it important that the boundary setbacks apply to multi-unit development, given the higher density of multi-unit developments and the impact on neighbouring properties, and note that it is a statutory requirement under Clause 13 of Schedule 3A of the RMA. I also note that the standard does not apply to Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.
758. I disagree with that part of the Wellington City Council submission point [266.139] which seeks that Developments of 1-3 household units are excluded from the front and side setbacks as I consider this to be an inappropriate outcome which does not align with the statutory requirement in Clause 13 of Schedule 3A of the RMA.
759. I also disagree with that part of the Wellington City Council submission point [266.139] which seeks exclusions for multi-unit housing and retirement villages as there are no standards proposed which address these developments and I consider that boundary setbacks in relation to these development types are important and necessary to ensure better amenity and liveability outcomes. I note that the standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.
760. I agree with the part of the Wellington City Council submission point [266.139] which seeks exclusions for uncovered decks and eaves. I note that Rimu Architects Ltd [318.25] also seek this and I also agree. I consider this to be a sensible addition which will reduce consenting costs and not result in any greater adverse effects.
761. In response to Kiwirail Holdings Limited [408.119], I agree with the submitter that requiring a setback from a railway corridor is a sensible outcome to ensure that buildings and structures can be accessed and maintained without needing to access or use the railway corridor. This is consistent with the RPS Policy 8 which includes a requirement for district plans to include rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure. However, I disagree that a 5m setback is required and would instead suggest that MRZ-S4 is amended to require a 1.5m setback from the railway corridor as I consider that this should enable sufficient space to access and maintain buildings safely. I note that the submitter has not provided compelling evidence of why a 5m setback is required.
762. I disagree with Khoi Phan [326.26], noting that MRZ-S4 has been informed by and complies with the statutory requirement in Clause 13 of Schedule 3A of the RMA.

heritage areas, issues and options papers, a thematic review of the heritage schedules, background reports and individualised building evaluations.

79. This body of work is extensively detailed in the [Section 32 Evaluation Report](#).
80. As has been identified by submitters, an 'Issues and Options' report was developed for historic heritage to consider potential options for changes to the ODP provisions to inform consultation on the DDP in 2020. This has been made available alongside this s42A report to provide further context to the Panel about the process that has been followed in assessing different options and the background and context to the review of the chapter. It includes commentary on the quantum of heritage buildings identified as earthquake prone (EPBs).
81. I have detailed the thematic review and prioritisation of new heritage listings below.
82. With respect to Wellington Heritage Professionals [412.5] seeking that Council continue its program of waiving resource consent fees for heritage items as an incentive to keep places in sustainable use - I understand that a continuation of this reimbursement scheme is not proposed to change.
83. In response to Penny Griffith [418.5], the recognition of Historic Places Wellington as a specialist group with heritage expertise is not a district plan or RMA matter. I acknowledge however that the Council can continue to approach and involve the group in other ways such as on the development of the Council's updated Heritage Strategy.
84. With respect to Regan Dooley [239.5], I recognise that the plan has the unenviable task of finding a balance of protecting historic heritage as a matter of national importance under the RMA while responding to challenges the city is facing with respect to housing and natural hazards to name two examples. I have recommended changes that seek to recognise the concerns of submitters that have differing views on where this balance should fall and am of the view that it is consistent with the strategic direction of the plan.
85. With respect to the submission of Tim Bright [75.4] that setbacks of more than 1m should be required to allow for more of a transition zone between Heritage Areas or Character Precincts, I note that these matters are being traversed in the Stream 2 (Residential) and Stream 4 (City Centre Zone) hearings.
86. In relation to the submission of Halfway House Heritage Gardeners [203.1], I do not consider that it would be appropriate in every circumstance for the plan to include a height in relation to boundary control of 3m + 45 degrees adjoining every scheduled building or historic reserve. Instead, I consider that this matter is better addressed by zone specific responses considering the level of built development enabled. For example, this would not be appropriate in the City Centre Zone context. The level at which these controls are set should be addressed in the zone-based hearings.

108. **HS3-Rec2:** That the Historic Heritage – General submissions are accepted/rejected as detailed in Appendix B.

## 4.2 Historic Heritage – Definitions

### 4.2.1 Matters raised by submitters

#### Reconstruction

109. Wellington Heritage Professionals [412.20 and 412.21] seeks that the definition of ‘Reconstruction’ is retained as notified.

#### Restoration

110. Greater Wellington Regional Council [351.46] seeks that the definition of ‘Restoration’ be amended to align with the definition in the proposed Natural Resources Regional Plan.

#### New definition – original use

111. Rimu Architects [318.3] consider that the current ‘ongoing use’ definition describes a continuing original use and seek that the definition be changed to ‘original use’ as follows: means keeping a building or object in the same use it was originally constructed for.

#### Archaeological site

112. Wellington Heritage Professionals [412.16 (opposed by Heritage NZ FS9.1)] submitted on the definition of ‘Archaeological features’ and sought that the definition of Archaeological Site be amended as follows:

~~Has the same meaning as given in the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) (as set out below):~~

~~means, subject to section 42(3) of the HNZPT Act,—~~

~~a. any place in New Zealand, including any building or structure (or part of a building or structure), that—~~

~~i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and~~

~~ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and~~

~~b. includes a site for which a declaration is made under section 43(1) of the HNZPT Act.~~

#### Maintenance and repair

113. Wellington Heritage Professionals [412.17, 412.18, 412.19] seek amendments to include ‘demolition of a structural element’, clarity on what is meant by surface treatment and removal or replacing a single glazed clear window with a double glazed one.

#### Demotion

114. Kāinga Ora [391.34 (opposed by Heritage NZ FS9.2, Thorndon Residents’ Association Inc FS69.18 and Wellington’s Character Trust FS82.60)] opposes inclusion of a definition of ‘demolition’ in the plan and seeks its deletion.



#### **4.2.1.2 Assessment**

##### **Archaeological site**

115. I do not agree with Wellington Heritage Professionals [412.16] that the definition of archaeological site be amended to the effect that it removes the pre-1900 reference and references to the HNZPT Act. This submission point was opposed by Heritage NZ [FS9.1].
116. The RMA, unlike the HNZPT Act, does not provide a definition of 'archaeological site'. Most Councils who have identified archaeological sites in their district plans have relied on the HNZPT Act definition, which defines archaeological sites as those associated with pre-1900 human activity. For reasons of consistency and avoidance of unnecessary confusion I am of the opinion that reliance should be placed on the statutory definition in the HNZPT Act.
117. While I understand the submitters view that post 1900 sites can be understood by archaeological methods, removing the pre-1900 date would mean that all land, buildings and structures associated with human activity are therefore archaeological sites.
118. This, in my view, would result in an indefensible outcome whereby a site could be identified in the PDP as an archaeological site on the basis that it can be understood through archaeological methods, while at the same time lacking any form of recognition as an archaeological site under the HNZPT Act, the primary legislation through which these resources are regulated. The pre-1900 date in that legislation is well established and understood.
119. I note that the HNZPT Act does allow post 1900 sites to be declared archaeological sites under s43(1), addressing a void that existed in the preceding heritage legislation. However, this mechanism deals with such sites as an exception, rather than a rule.
120. I also note that post 1900 sites can still be managed by other historic heritage provisions (eg heritage areas) which is the case for the Wrights Hill Fortress (#19) and Fort Balance (#6) listed in SCHED3 - Heritage Areas.

##### **Ongoing use**

121. I agree with Rimu Architects [318.3] that given the term 'ongoing use' includes mention of the use it was 'originally constructed for' that renaming the term to 'original use' is a logical amendment.

##### **Restoration and reconstruction**

122. I have considered two options for addressing the submission points of Greater Wellington Regional Council [351.46]. One option could be to rename the term to 'heritage restoration' or like to avoid confusion with the PNRP term. I do not consider aligning with the PNRP term is appropriate as it is more focussed on the natural versus built environment. Similarly adding a prefix to the definition of 'reconstruction' could assist.

#### **4.11.1.3 Assessment**

673. I acknowledge the submission of the Cottage Trust in support of scheduling.
674. Ms Smith has considered the points identified as errors by the Trust and agrees. The evaluation report is a reference document sitting outside of the PDP which assists to establish the values of a place and can be easily updated.

#### **4.11.1.4 Summary of recommendations**

675. **HS3-Rec152:** That SCHED1 continues to include item 470 (Cooper's Cottage).
676. **HS3-Rec153:** That submissions on Cooper's Cottage in Schedule 1 are accepted/rejected as detailed in Appendix B.

#### **4.11.2 Submissions to remove item in schedule**

##### **Our Lady Star of the Sea Chapel and Stellamaris Retreat House**

677. Wingnut PM Ltd [428.1 (opposed by Heritage NZ FS9.49, Wellington's Character Charitable Trust FS82.157, Historic Places Wellington Inc FS111.28, The Retirement Villages Association of New Zealand FS126.173 and Ryman Healthcare Limited FS128.173)]: Amend Item 120 to remove The Former School and Convent 1899.

##### Reasons

678. Considers that the Former School and Convent have little to no architectural merit, has been altered many times, and is poor build quality, preservation while developing for future use would be difficult, expansion of the Post Production Music composing and recording base would be difficult. The submission is opposed because Item 120 (Chapel and retreat house) is on the NZ Heritage List/Rārangi Kōrero as a category 2 place and has sufficient heritage value to merit its inclusion in the schedule.

#### **4.11.2.1 Assessment**

679. Ms Smith has assessed the different options canvassed by the Council in considering options to respond to the identified misalignment with the HNZPT Historic Area status of 69 Tio Tio Road. She has identified that scheduling the entire site as a heritage area or amending the extent of the existing listing adding the covered walkway (1924) and former school and convent (1899) to the listing for the chapel were considered.
680. I agree with the assessment of Ms Smith that the chapel, walkway, and former convent and school are each significant – both as a complex and as individual buildings – and each individual building meets the criteria and thresholds for inclusion in SCHED1. I also agree with her recommendation to amend the title for the listing.

#### **4.11.2.2 Summary of recommendations**

681. **HS3-Rec154:** That SCHED1 should continue to include item 120, particularly the Our Lady Star of the Sea Chapel, former convent and school, and covered walkway, but excludes other

buildings and structures on the site including the convent (1959), detached houses, and swimming pool.

682. **HS3-Rec155:** SCHED1 should be amended to replace the words “Stellamaris Retreat House” with “school and convent (former)”.
683. **HS3-Rec156:** That submissions on Our Lady Star of the Sea Chapel and Stellamaris Retreat House in Schedule 1 are accepted/rejected as detailed in Appendix B.

#### **Gordon Wilson Flats**

684. Te Herenga Waka Victoria University of Wellington [106.28 (opposed by Heritage NZ FS9.48 and Wellington’s Character Charitable Trust FS82.158)]: Remove Item 299 (Gordon Wilson Flats).
685. Oliver Sangster [112.18]: Remove Item 299 (Gordon Wilson Flats). The submitter also [112.8] seeks that the demolition or alteration of any kind of Item 299 (Gordon Wilson Flats) on SCHED1 – Heritage Buildings be a permitted activity.
686. VicLabour [414.60]: considers the Gordon Wilson Flats are an example of where heritage protection has gotten in the way of the city’s priorities.

#### Reasons

687. Submitters consider that the Gordon Wilson Flats have insufficient heritage value to warrant inclusion in the Heritage Schedule, there are no reasonable alternatives to total demolition considering the maintenance, repair and seismic strengthening required, it is unusable in its present state, it does not fit current needs, the cost would make refurbishment and conversion a financial failure and flats should be demolished to make way for more housing near our city centre and Victoria University.
688. Submitters in opposition note the Flats are entered in the NZ Heritage List/Rārangi Kōrero as a Category 1, contemporary strengthening options for repurpose and reuse should be sufficiently explored, and the building has unique attributes and history.

#### **4.11.2.3 Assessment**

689. The Gordon Wilson Flats are often given as an example typifying the tensions between heritage protection, architectural preference and redevelopment.
690. Perhaps unsurprisingly, submissions have been received both in support and in opposition to its scheduling in SCHED1 of the PDP.
691. Ms Smith sets out contextual background to the building’s scheduling in her Statement of Evidence where she identifies that the recommendation of Plan Change 81 in May 2016 which would have seen it delisted was appealed to the Environment Court.

recommend the building remain in SCHED1, with demolition assessed against the eventually confirmed provisions of the PDP.

#### **4.11.2.4 Summary of recommendations**

702. **HS3-Rec157:** That SCHED1 continues to include item 299, 320 The Terrace, Gordon Wilson Flats.
703. **HS3-Rec158:** That submissions on Gordon Wilson Flats in Schedule 1 are accepted/rejected as detailed in Appendix B.

#### **Johnsonville Masonic Hall**

704. Ngatiawa Russell Masonic Lodge 345 [78.1 (opposed by Johnsonville Community Association Inc FS114.1)], The Coronation Lodge [149.1 (opposed by Johnsonville Community Association Inc FS114.2)], Stephen Inzon [177.1 (opposed by Johnsonville Community Association Inc FS114.3)] and Johnsonville Masonic Hall [236.1 (opposed by Johnsonville Community Association Inc FS114.4): Remove Item 366 (Johnsonville Masonic Hall).

#### Reasons

705. Submitters consider the Johnsonville Masonic Hall was purpose built for the use of Freemasons and is of no symbolic, traditional or cultural value to the local Masonic community, inclusion reduces future development potential of the site and future value of the building in a commercial sense.
706. Johnsonville Community Association Inc considers Johnsonville has very few old, protected buildings and does not have enough community halls and indoor spaces, noting it would be used more if known by the community as being available for meetings etc.

#### **4.11.2.5 Assessment**

707. Ms Smith's assessment has identified that the Johnsonville Masonic Hall is one of the oldest surviving purpose-built masonic buildings in Wellington, and is the only one that retained its original use for over 110 years. Furthermore, it is one of the few listed heritage buildings in Johnsonville and is one of the oldest surviving non-residential buildings in the suburb.
708. Her assessment is that the building has significant historic, physical (architectural, integrity, age), and is rare and representative and that it continues to meet the criteria for listing in the PDP. I agree with Ms Smith's recommendation.

#### **4.11.2.6 Summary of recommendations**

709. **HS3-Rec159:** That SCHED1 continues to include item 366, Johnsonville Masonic Hall, 25-29 Phillip Street.
710. **HS3-Rec160:** That submissions on Johnsonville Masonic Hall in Schedule 1 are accepted/rejected as detailed in Appendix B.

## **20 Austin Street**

711. Philip Cooke [465.4 and 465.5 (opposed by Mt Victoria Historical Society Inc FS39.10 and FS39.11)] seeks that Item 471 (20 Austin Street) is only included in SCHED1 if the surrounding buildings are included within the Character Precinct Boundary or that it is removed from SCHED1.

### Reasons

712. The submitter considers that 20 Austin Street is highly modified from the original Victorian building and relies on the surrounding buildings for scale and context, and that 20 Austin Street's contribution to the townscape is not in isolation nor is it held in high public esteem by the local community without the context of the surrounding buildings.

### **4.11.2.7 Assessment**

713. Ms Smith's assessment responds to the submission points of Mr Cooke, including those relating to works to the roof of the building. She concludes that the building has significant architectural values, significant integrity, and is significant as a fine rare and representative example of an early Italianate villa, and that accordingly it should continue to be included on SCHED1. She holds this view noting that the assessment relies substantially on evidence from the 1980s building consent drawings that is difficult to verify. I agree with Ms Smith's assessment that the building should continue to be listed.

714. I note in response to the submitters position on character areas, that the s42A report for Hearing 2 has recommended the extension of character precincts into this area.

### **4.11.2.8 Summary of recommendations**

715. **HS3-Rec161:** That SCHED1 continues to include item 471, 20 Austin Street.

716. **HS3-Rec162:** That submissions on 20 Austin Street in Schedule 1 are accepted/rejected as detailed in Appendix B.

## **Former Primitive Methodist Church**

717. Andrew Gan [136.1], Wellington Chinese Baptist Church [144.1 (opposed by Claire Nolan, James Fraser, Margaret Franken, Biddy Bunzel, Michelle Woodland, Lee Muir FS68.5)], Hannah Gap [145.1], Tim Appleton [181.1] and Aimee Poy [272.1]: Remove Item 490 (Former Primitive Methodist Church).

### Reasons

718. The submitters note the church has a long term plan to redevelop the building into a modern complex to suit the needs of the community in the near future and listing will negatively impact or make impossible future development, more old buildings in Newtown do not need to be protected, cost effective housing is needed, the owners should be able to decide whether to redevelop and the buildings next to the church do not have a nice look and are not in keeping with the main church building.

719. A submitter in opposition to delisting notes that the area and street is part of their submission to make a character precinct or a heritage area.

#### **4.11.2.9 Assessment**

720. Ms Smith's assessment details background to the previous plan change process which this building was part of. 24 Donald McLean Street was included in DPC53 when the plan change was notified in 2007. The hearings panel recommended that 24 Donald McLean Street should be included in SCHED1. The decision was appealed by the owners, but this was withdrawn following mediation. She further notes that at the time of DPC 53, the church was subject to the pre-1930 demolition rule that made alterations to the street façade a discretionary restricted activity in the ODP

721. Ms smith considers the building meets the listing criteria and should be included in the schedule. I agree with her recommendation, especially given that the character precinct provisions which would apply to this building given its age do not extend to this site in the notified PDP, nor the recommended amendments in the s42A report.

#### **4.11.2.10 Summary of recommendations**

722. **HS3-Rec163:** That SCHED1 includes item 490 – 24 Donald McLean Street, Former Primitive Methodist Church.

723. **HS3-Rec164:** That submissions on Former Primitive Methodist Church in Schedule 1 are accepted/rejected as detailed in Appendix B.

#### **Robert Stout Building**

724. Te Herenga Waka Victoria University of Wellington [106.29 (opposed by Historic Places Wellington Inc FS111.27)]: Remove Item 497 (Robert Stout Building (PT TOWN BELT TN OF WELLINGTON)).

#### Reasons

725. The submitter considers the building has insufficient heritage value to warrant inclusion in the Schedule. The submitter in opposition notes it is on the NZ Heritage List/Rārangi Kōrero and considered it to be nationally significant.

#### **4.11.2.11 Assessment**

726. Ms Smith's assessment is that the building does meet the criteria for listing, and agrees with the Heritage Evaluation report that the building has significant historic, physical (architectural, townscape, group, integrity), and social values, and is representative. I agree with her assessment.

727. She further recommends that a curtilage control should be added in the same way and same extent as the Hunter Building (#171). I similarly agree with this assessment.

#### 4.11.2.15 Assessment

739. Ms Smith has considered the submission of the company which owns the building, concluding that the building does meet the criteria for listing and accordingly should remain on the Schedule. I agree with her assessment on the merits of the building.

740. I also agree with her recommendation that a curtilage be added to the site for the application of the rule managing new buildings on the site of heritage buildings. I consider that the extent she proposes sufficiently responds to the submitters concerns about a reduction in development potential.

#### 4.11.2.16 Summary of recommendations

741. **HS3-Rec170:** That SCHED1 item 509 should continue to include item 509, Wharenui Apartments, 274 Oriental Parade, with a curtilage as mapped in Figure 9.



Figure 9: Recommended curtilage for Wharenui apartments

742. **HS3-Rec171:** That submissions on 274 Oriental Parade in Schedule 1 are accepted/rejected as detailed in Appendix B.

#### 280 Oriental Parade - Olympus Apartments

743. Olympus Apartments [473.1 and 473.2]: Remove Item 510 (280 Oriental Parade).

#### Reasons

744. The submitter considers that the added cost of any improvements or maintenance if the building is designated historic is concerning, especially as many owners are retired and on fixed incomes.

#### **4.11.2.17 Assessment**

745. Ms Smith's assessment has responded to the submitters points with respect to what makes the Olympus Apartments unique given that other Ancombe buildings are also included on the heritage schedule. She points to this building being the last such apartment building to be designed in his signature style and a highly intact example.
746. She concludes that the building has significant historic, physical (architectural, townscape, group, integrity), and social values, and considered the place to be rare, and representative. I agree with Ms Smith's assessment.

#### **4.11.2.18 Summary of recommendations**

747. **HS3-Rec172:** That SCHED1 should continue to include item 510, 280 Oriental Parade, Olympus Apartments.
748. **HS3-Rec173:** That submissions on 280 Oriental Parade - Olympus Apartments in Schedule 1 are accepted/rejected as detailed in Appendix B.

#### **139 Park Road (Gas Tank)**

749. Wētā FX [364.1 and 364.2 (opposed by Sarah Cutten and Matthew Keir FS91.26)] and WingNut Films Production Limited [467.1 (opposed by Sarah Cutten and Matthew Keir FS91.27)]: Remove Item 511 (139 Park Road).

#### Reasons

750. The submitters consider this location is the only one fitting the unique attributes the submitter needs to increase their crew members and provide workspaces for them in Miramar. Given this the Council needs to weigh the impacts of listings on jobs and the local economy in addition to the financial burden on the owner. In addition, they consider that the tank is predominantly a steel structure and has significant rust.

#### **4.11.2.19 Assessment**

751. Ms Smith's assessment has responded to the submitters concerns that such buildings cannot be adaptively reused. She has pointed towards examples where similar buildings within New Zealand and internationally have been successfully reused and identifies that this structure has been in use since the 1990s when it was decommissioned.
752. She concludes with the recommendation that the building meets the criteria for listing having significant historic, physical (townscape, technological, and integrity) values, and is representative. I agree with that assessment.
753. She also concludes that the item should be renamed 'Miramar Installation Bulk Storage Tank (former)'



786. Ms Smith considers that it has significant historic values, physical values (architectural, integrity), and social values, and to be rare and representative. I agree with that assessment.
787. With respect to whether heritage listing is a less effective method to recognise the values of the building than management through a family trust; in my view these serve different purposes, where a district plan listing recognises heritage for community awareness, appreciation and benefit, which is not necessarily the case in absence of a listing.

#### **4.11.2.24 Summary of recommendations**

788. **HS3-Rec178:** That SCHED1 continues to include item 519, 79A Todman Street, Sutch-Smith House.
789. **HS3-Rec179:** That submissions on Item 519, 79A Todman Street, Sutch-Smith House are accepted/rejected as detailed in Appendix B.

#### **Kahn House**

790. Sophie Kahn [161.4 (opposed by Heritage NZ FS9.47, Wellington's Character Charitable Trust FS82.156 and Historic Places Wellington Inc FS111.26 and supported by Ian Attwood FS16.13 - FS16.18 and Sarah Cutten and Matthew Keir FS91.2, FS91.6, FS91.9, FS91.35, FS91.39)]: Remove Item 520 (Kahn House).
791. Sophie Kahn [161.2 (supported by Ian Attwood FS16.11 and Sarah Cutten and Matthew Keir FS91.33)] seeks that only public owned structures should be listed as heritage in the PDP, unless privately owned property has the agreement of an owner.
792. Sophie Kahn [162.3 (supported by Ian Attwood FS16.12 and Sarah Cutten and Matthew Keir FS91.34)] considers that the Council should offer to purchase those homes it proposed to list when owners are not supportive of listing.

#### Reasons

793. Submitters consider the listing is causing emotional distress and is the submitter's sole asset, the house needs alterations, the listing could see significant diminution in capital value, sufficient examples of Plischke's work, both private and public commissions are already listed by Heritage New Zealand and proposed in the District Plan.
794. Some submitters note that the Kahn House is included in the NZ Heritage List/Rārangī Kōrero as Category 1, which is sufficient basis for it being included in the heritage schedule in the PDP.

#### **4.11.2.25 Assessment**

795. Ms Smith has responded to many elements of Sophie Kahn's submission including potential impacts on property value and a comparative analysis of other buildings of Plischke. I agree with her analysis, noting that I am also not a registered valuer.

796. Ms Smith also identifies that submissions have been received in support of listing from Heritage NZ (FS9.47), Wellington's Character Charitable Trust (FS82.156) and Historic Places Wellington Inc (FS111.26) who identify that 53 Trelissick Crescent is listed as a Category 1 Historic Place which denotes a place of special or outstanding historical or cultural significance or value.
797. Given Ms Smith's assessment that the building meets the criteria for listing and the obligation to have regard to the HNZPT Heritage List, I agree with Ms Smith's recommendation that the building be listed.

#### **4.11.2.26 Summary of recommendations**

798. **HS3-Rec180:** That SCHED1 includes item 520 – 53 Trelissick Crescent, Kahn House.
799. **HS3-Rec181:** That submissions on item 520 – 53 Trelissick Crescent, Kahn House are accepted/rejected as detailed in Appendix B.

#### **18 Vera Street (Firth House)**

800. Opoutere Trust [3.1 (supported by Sophie Kahn FS76.2 and FS76.3 and Sarah Cutten and Matthew Keir FS91.1 and FS91.32)]: Remove Item 521 (18 Vera Street).
801. Nicola Crauford [208.1]: Remove Item 521 (18 Vera Street).
802. Ian Attwood [79.1 (supported by Sophie Kahn FS76.1 and Sarah Cutten and Matthew Keir FS91.7)]: Remove Item 521 (Firth House).

#### Reasons

803. Submitter's reasons for the removal include disagreement with the Council's heritage assessment that the house is 'largely unmodified' and the original house no longer represents the original concepts and designs, the process for identification of homes for listing is poorly evidenced, apparently random and without justification, and for the owner of a private suburban home severe outcomes are evident.

#### **4.11.2.27 Assessment**

804. Ms Smith has responded in detail to the points raised in the submission about the level of representativeness and the physical values of the building. She partially agrees with the submitter that these have not been especially well established. She does though consider that the house has significant historic and physical (architectural, integrity) values.
805. With respect to the alterations that have been undertaken and noted by the submitter, Ms Smith concludes that these do not detract from the values of the place, especially given the association with architect and writer Cedric Firth and that it still meets the criteria for listing. I agree with her assessment.

#### **4.11.2.28 Summary of recommendations**

806. **HS3-Rec182:** That SCHED1 continues to include item 521, 18 Vera Street, Firth House (former).

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

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

### 3.0 Submissions Relating to Specific CCZ Provisions

#### General Submissions

##### Matters raised by submitters

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

building, plus a small margin over and above.

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

## Assessment

34. Viewshafts have been addressed in Hearing Stream 3<sup>1</sup>; however, the submission point from the

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

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

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

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

41. I maintain my position that the approach that is currently in the CCZ, with the reduced maximum height adjoining Moir Street in the CCZ of 27m under CCZ-S1, and the character precinct and residentially zoned heritage area recession plane control under CCZ-S3, is the most balanced and appropriate method to managing potential adverse effects on neighbouring residential areas from development in the CCZ.
42. The NPS-UD directs councils to maximise development capacity within city centres. Given this directive and the fact that the CCZ is the PDP's densest zone where a large portion of development capacity is expected to be provided<sup>2</sup>, I do not consider that it is appropriate to add any more controls or restrictions on density and capacity in the CCZ in relation to heritage and residential amenity. Some concerns have been raised by submitters with the changes that will occur over time due to increased development potential within Te Aro in particular. However, I do not consider that any more controls or restrictions are necessary, or that there is sufficient reason to impose more restrictive standards that will impact the ability to achieve the density of development anticipated in the CCZ.
43. With regards to the submission point from Angus Hodgson [200.12], I note that a setback control was proposed in the Draft District Plan in the form of a street edge height control on identified narrow streets in the CCZ as a suggested measure to reduce the impacts of tall buildings on the city's narrower streets.
44. Section 5.2 of the City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct Section 32 (CCZ, WFZ, STADZ and Te Ngākau S32) report<sup>3</sup> discusses the analysis undertaken to inform this control. It also details modelling work completed by Council's Urban Design Team showing that minimal sunlight access was provided in all three scenarios tested. Due to the modelling showing that the setback control would not achieve the outcome sought, it was not carried forward into the PDP.
45. In addition, modelling of Draft District Plan (DDP) standards undertaken for Council by Jasmox<sup>4</sup> (Appendix C) identified the costs resulting from the use of street edge height controls in terms of the potential loss of ground floor area (GFA). The testing identified particular concerns with use of this control for some inner city sites that are narrow or have multiple street frontages, which would lead to a loss in development potential.
46. These concerns are reinforced in The Property Group's Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report (TPG Report)<sup>5</sup>. The report found that the Street Edge Height Rule (DDP CCZ-S4), which is specifically aimed at achieving solar access and a reduction of the appearance of building bulk on narrow streets, would likely result in costs to development through a loss of yield without achieving the desired solar access benefit.
47. Whilst the submission point from Avryl Bramley [202.44] seeks to limit the number of non-residential on-site in building car parks permitted, I do not consider this is a matter that can be or should be addressed by the PDP. The Transport chapter notes that where parking is provided, the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility –

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

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

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

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

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

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

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



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

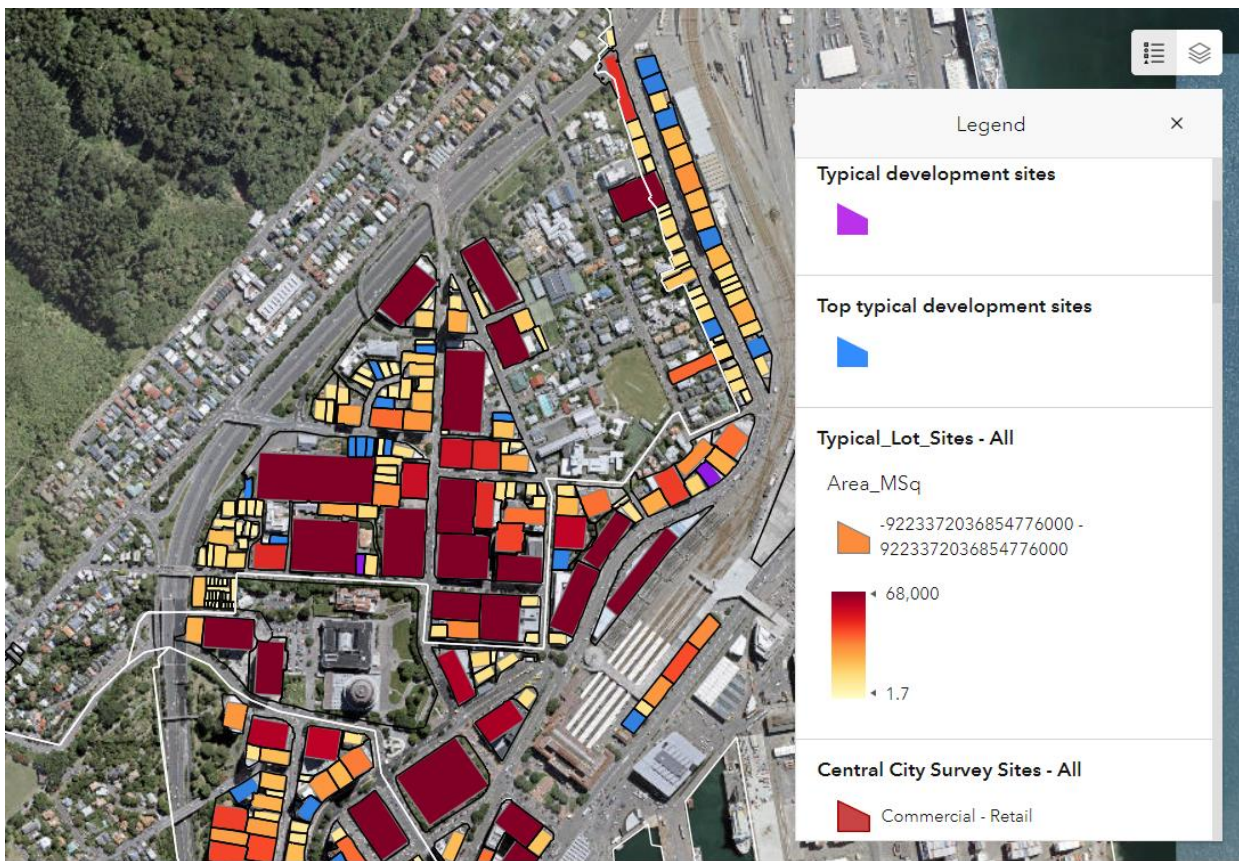
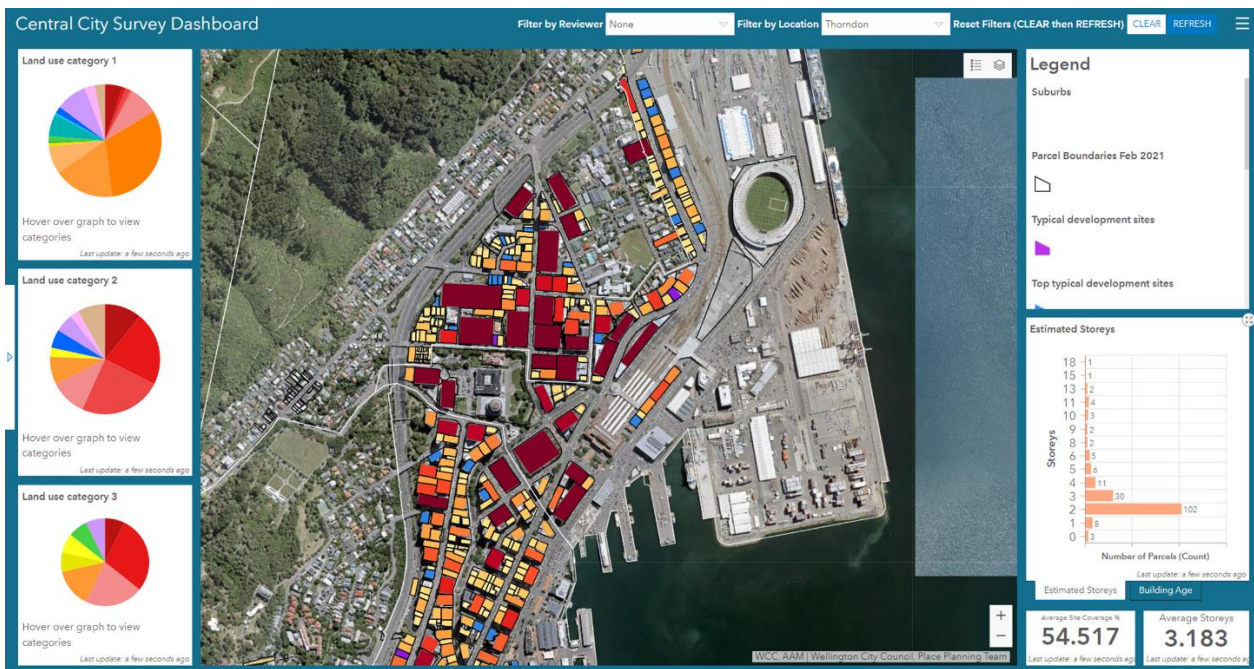
- These streets are surrounded by a mixture of different land uses and densities, and such diversity is also evident on these streets themselves, which is more akin to CCZ than

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

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

- Whilst I acknowledge that Selwyn Terrace at the top of the street does have a concentration of one to two storey standalone residential dwellings, it is of a more mixed nature at the bottom of the street and surrounding areas. This includes an apartment building at the base, the British High Commission, Te Whanga Atawhai Mercy Conference Centre and Saint Mary's College behind.
- Whilst there are still standalone one to two storey dwellings now, we cannot predict the future use of the sites, and regardless of it being HRZ or CCZ, Council is compelled through the NPS-UD to enable high density development to cater for the anticipated rise in population in the City. Figures 8 - 10 below show the results of a land-use survey undertaken by Council in 2020, of which the purpose was to get a better understanding of current built development in pockets of Thorndon and Adelaide Road signalled to be included in the CCZ. For the Thorndon and Adelaide areas the number of storeys ranged from an vacant, flat site to 18 storeys, showing the range in heights of buildings.
- As well as other findings, the survey identified that this area had:
  - An average site coverage of 54.5%;
  - An average of 3.2 storeys for existing development;
  - A mixture of lot sizes, the majority of which are smaller lots with a dozen plus significantly larger sites for schools and other large-footprint activities. The top typical development site sizes ranged from 307.4m<sup>2</sup>-449.7m<sup>2</sup>, with larger sites being in excess of 2000m<sup>2</sup> up to 12,000m<sup>2</sup>; and
  - A mixture of land uses including government, community, education, recreation, commercial and residential. Residential activities took up the top three land uses (in order of standalone/single units, multi-units and apartments) followed by commercial activities (office and then retail).





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

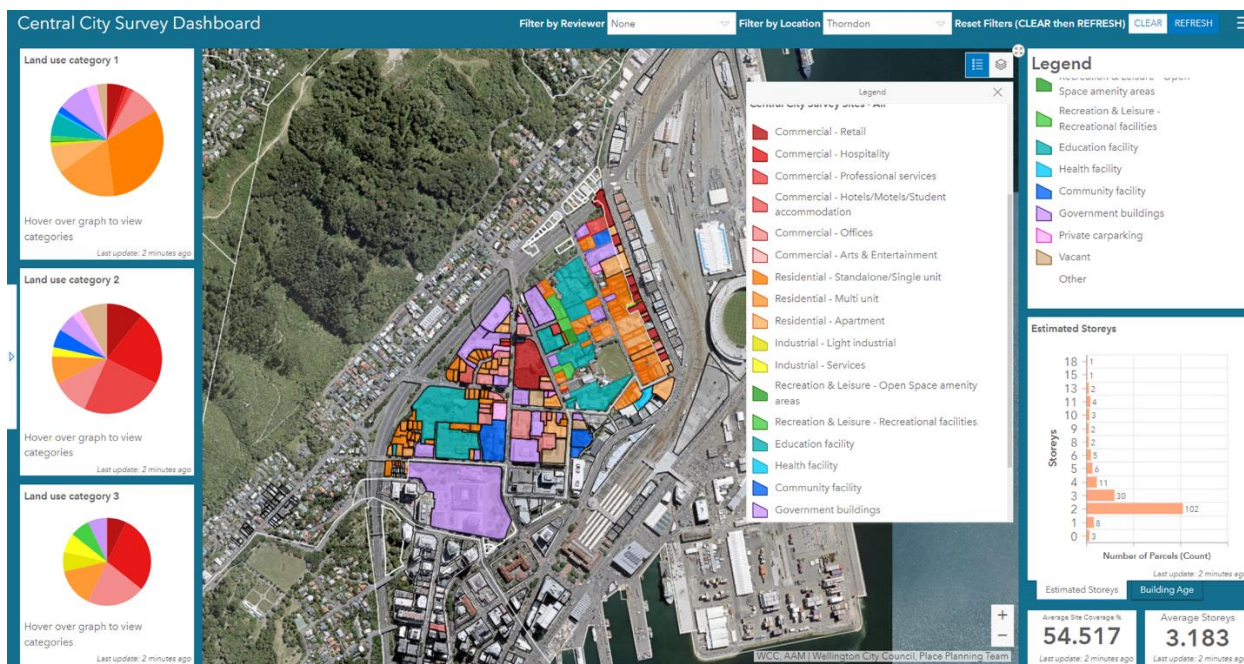


Figure 10: Showing the land use categories in Thorndon

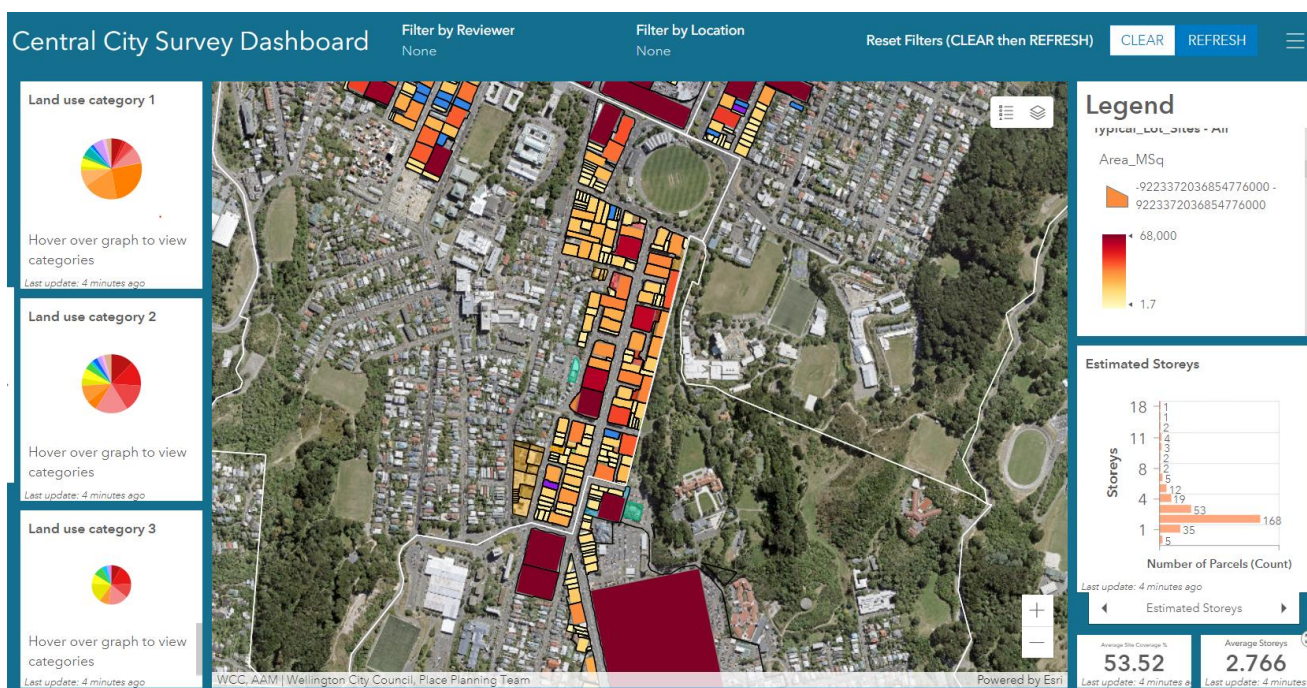
- Given the wider area features higher density development, I do not consider it is appropriate to rezone a small pocket of land to HRZ, as this would be out of keeping with the wider area. These areas currently in the ODP adjoin the Central Area and given their location are well-located to support increased densification and opportunities for new housing to meet the city’s growth needs. I appreciate that this area is one of the city’s oldest urban areas, however the NPS-UD directs Council to enable intensification within these areas. This means that even if the area in question is not identified as part of the CCZ, the Council is required to enable ‘at least 6 storey’ development as it sits within a walkable catchment of the edge of the Central City.
- I note that in their Market and Retail Assessment 2020<sup>17</sup> report conclusion, Sense Partners advised that there is little doubt that rezoning pockets of Thorndon as CCZ in the DDP (at the time this included Hobson Street and Hobson Crescent also) will result in increased levels of development within the residential sector. However, they noted inhibiting factors such as the current pattern of land ownership within the area being fractured with individual lots typically being small in nature, and the impact of intensification on land use likely to occur over a long-term period.
- As per the officer’s S42a report for Hearing Stream 2, it is not recommended that character precincts be extended over these areas. In my view, this provides even more rationale for retaining the CCZ zoning, rather than changing it back to a residential zoning.
- This area of Thorndon and Pipitea is within walking distance of the Wellington Railway Station and Bus Station, with thousands of commuters, students and other people going to destinations in this area. Paneke Poneke is improving walking and cycling connections through the area. These transport services support the high density mixed uses enabled by the CCZ.
- Finally, I do not consider that compelling evidence or s32AA assessment has been

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

provided by submitters to support any change in zoning.

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

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



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



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

- As detailed on page 97 of the CCZ, WFZ, STADZ and Te Ngākau S32 report<sup>18</sup>, Sense Partner’s in their Market and Retail Assessment 2020<sup>19</sup> noted that the proposed change in zoning for Adelaide Road to CCZ allows for more intensive development and will accelerate change from light industrial activities to high end uses. The report notes that they expect mixed use development with ground floor retail to lift the quality of the building stock in the area, with population growth supporting existing and new retail development.
- The extension of the CCZ to Adelaide Road is also a natural extension of the CCZ to an area that is already characterised by mixed-use development and that is already seeing high density residential development. Adelaide Road provides opportunities to accommodate growth anticipated in the CCZ.
- Adelaide Road has been signalled for redevelopment for an extended period now, first through the Adelaide Road Framework<sup>20</sup> and then through the Spatial Plan<sup>21</sup>. This has therefore been an area identified for mixed use high density growth and CCZ, over and above HRZ, is the considered the most appropriate zone to enable this. Additionally, Adelaide Road is the chosen MRT route identified by LGWM, and through this process has been identified as a key area for intensive redevelopment around an MRT station(s). I therefore consider CCZ is the best zoning to capitalise on the benefits that MRT will bring as a key enabler of growth.
- I also do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change in zoning.

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

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

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

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

## site specific building and structure height (ISPP)

### Matters raised by submitters

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

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

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

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

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

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

### Assessment

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

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

### Matters raised by submitters

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

### Assessment

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

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

this submission.

### Summary of recommendations

- 130. HS5-THW-REC11: That submissions on the 'THW-O1' are accepted/rejected as detailed in Appendix B.
- 131. HS5-THW-REC12: That THW-O1 is to be retained as notified.

## THW-O2

### Matters raised by submitters

- 132. Several submitters [221.10, 273.21, 350.22, 377.26 and 391.94] support THW-O2 and seek that it is retained as notified.
- 133. Heidi Snelson et al [276.7] considers 'Well functioning urban environment' does not apply to THW-O2 because it does not comply with points d, f and g in the definition of 'Well functioning urban environment' within the PDP.
- 134. Tyers Stream Group [221.10] seeks amendment to THW-O2 to require that sufficient capacity be in place before and subdivision, use or development takes place.
- 135. Survey & Spatial New Zealand Wellington Branch [439.10] considers the objective should also refer to Council's ability to fund infrastructure via development contributions.

THW-O2 (Infrastructure enabled urban development):

Enable subdivision, use or development in urban areas where:

1. Sufficient existing or planned three waters infrastructure capacity and/or level of service is, or will be, available to service the use or development; or
2. Development contributions are levied for infrastructure upgrades; or
3. It can be satisfactorily serviced through an alternative means where existing three waters infrastructure capacity and/or level of service is insufficient.

### Assessment

- 136. I reach the same conclusion in response to Heidi Snelson et al [276.7] in relation to Objective THW-O2 as I did for THW-O1. No changes are recommended to the objective wording.
- 137. Tyers Stream Group [221.10] submission point aligns with the general intent of the objective. However, in my opinion, by only allowing for subdivision, use or development where there is sufficient capacity, the opportunity for increased development to meet housing need and the requirements of the NPS-UD where there is an alternative means of servicing would be lost.
- 138. I do not agree with the relief sought by the Survey & Spatial New Zealand Wellington Branch [439.10]. The purpose of the objective is to enable development where there is existing or planned capacity or an alternative means of servicing. Whether or not development contributions are levied is immaterial and not the determinant of whether there is capacity in

the network – development contributions are a funding mechanism for infrastructure rather than a trigger or threshold for development. I would note that the 21-22 WCC Development Contributions Policy, which was adopted in May 2022, sets a city-wide development contribution of \$347 per Equivalent Household Unit (EHU) for stormwater. As described in the economic assessment in Appendix C of this report, Wellington faces a significant stormwater quality and quantity challenge and the estimates to upgrade the stormwater system only (to meet government-set quality standards) are between \$72,000 and \$124,000 per new dwelling – at least 200 times greater than the current contribution<sup>8</sup>.

### Summary of recommendations

139. HS5-THW-REC13: That submissions on the 'THW-O2' are accepted/rejected as detailed in Appendix B.
140. HS5-THW-REC14: That THW-O2 is to be retained as notified.

### THW-O3

#### Matters raised by submitters

141. Trelissick Park Group [168.4], Kāinga Ora Homes and communities [391.95] and Tyers Stream Group [221.12] supports THW-O3 and seeks that it be retained as notified.
142. Stratum Management Limited [249.1 and 249.3] and Retirement Villages Association of New Zealand Incorporated [350.28] seek to amend THW-O3 to support stormwater attenuation only where there are infrastructure constraints.
143. Stratum Management Limited [249.2] seeks to amend THW-O3 to remove its applicability to the City Centre zone.
144. Heidi Snelson et al [276.8] consider 'Well functioning urban environment' does not apply to THW-O3 because it does not comply with points d, f and g in the definition of 'Well functioning urban environment' within the PDP.
145. WCC Environmental Reference Group [377.27] seeks to amend THW-O3 to remove the reference to 'urban areas'.
146. Survey & Spatial New Zealand Wellington Branch [439.11] seeks to amend THW-O3 so the provision refers to the current disposition of a site.

THW-O3 (Hydraulic neutrality):

There is no increase in offsite stormwater peak flows and volumes from current levels as a result of subdivision, use and development in urban areas.

#### Assessment

147. I reach the same conclusion in response to Heidi Snelson et al [276.7] in relation to Objective

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<sup>8</sup> Executive Summary – page 1



28. Some submitters including Alan Fairless [242.17], Josephine Smith [419.1], Carolyn Stephens [344.7] and Elizabeth Nagel [368.13] consider that the Council should adopt a holistic definition of character as a qualifying matter, thereby enabling greater scope for its application. Richard Murcott [322.11] seeks that qualifying matters in the MRZ be more inclusive of character values. The Lower Kelburn Neighbourhood Group [356.12], opposed by Kāinga Ora [FS89.93], seeks wider application of character as a qualifying matter within the HRZ.
29. Wellington Heritage Professionals [412.71] consider that there is insufficient evidence to support the character content of the PDP, and that reducing the current character protections will unnecessarily sacrifice character and liveability while not achieving the desired housing outcomes.
30. Conversely, a number of submitters oppose the identification of Character Precincts as a qualifying matter, or seek further consideration and reassessment of whether the Character Precincts can and should be implemented as a qualifying matter. These submitters include The Ministry of Housing and Urban Development [121.3 and 121.5], opposed by Onslow Residents Community Association [FS80.37], Mt Victoria Historical Society [FS39.9], WCCT [FS82.98], LIVE WELLington [FS96.50] and Historic Places Wellington [FS111.90]; Victoria University Students Association [123.46], opposed by WCCT [FS82.93]; Craig Erskine [325.1], VicLabour [414.28], Garvin Wong [432.2] and Jonathan Marwick [490.16].
31. Other submitters, including Grant Buchan [143.16], Matthew Gibbons [148.2 and 148.4] opposed by WCCT [FS82.91]; and Wellington City Youth Council [201.30], consider that modern and fit for purpose housing should prevail over character protection or extending character protection beyond what is proposed in the PDP. VicLabour [414.9] opposes the Character Precincts on the basis that they restrict redevelopment potential, hindering future mass transit opportunities.
32. Generation Zero [254.2], supported by Kāinga Ora [FS89.65], considers that further assessment needs to be provided that the PDP complies with section 77L of the RMA in its application of a qualifying matter to Character Precincts.
33. Waka Kotahi [370.258 and 370.259] seeks that:
  - a. further evaluation is undertaken to determine the extent of protection required, balancing character protection against the requirements of the NPS-UD;
  - b. such further evaluation results in zoning adjustments based on walkable catchments and provides for special character as an overlay;
  - c. demolition restrictions be removed, or only be provided for as part of a replacement development proposal; and
  - d. special character should be managed by design controls within an overlay approach, allowing for special character values to be considered and incorporated in the design of new development while enabling the level of development anticipated by the residential zone.
34. Kāinga Ora [391.313 and 391.316] variously opposed a range of further submissions as detailed in Appendix B, opposes the proposed Character Precincts and seeks their removal. Instead, Kāinga Ora proposes the introduction of a new Character Areas chapter into the PDP to address character considerations, by way of an overlay approach, as a district-wide chapter. The submission provides a draft chapter for consideration.

## Assessment

61. In respect of the submissions expressing support for the Pre-1930 Character Area Review, I note the support for the review from these submitters.
62. In respect of the submission from Wellington Heritage Professionals [412.11], I do not agree that the Pre-1930's Character Areas Review is flawed. The review sought to assess the character contribution of individual dwellings in existing character areas based on a defined methodology<sup>6</sup>. Having considered the methodology adopted by the review, I note that one of the considerations of property specific character was building age. It is also instructive that the definition of 'character' proposed by the review does not mention original built form. Instead, modifications to a dwelling are considered in assessing the contribution of a particular building, noting that these do not preclude its inclusion in a Character Precinct but may impact on its classification as either primary, contributory, neutral or detractive. Primary properties are described as being largely intact and predominantly exhibiting the characteristics of a given area. Contributory dwellings are described as those where modification has occurred, but most of the characteristics of the area are still visible. It is therefore the degree of modification that is important in assessing character contribution, rather than whether any modification has occurred.
63. I consider that built form is an important factor in determining character value, but I do not agree that the Pre-1930 Character Areas Review overly elevated the importance of original built form over pre-1930 character. The methodology of the review clearly outlines the range of factors that were considered in the assessment. I also note that the assessment found that of all of the 4507 pre-1930 properties assessed, 74% were classified as either primary or contributory.

## Summary of recommendations

64. HS2-P4-Rec3: That submissions are accepted and rejected in relation to the Pre-1930's Character Areas Review as detailed in Appendix B.

## 10.0 Spatial extent of Character Precincts

### Matters raised in submissions

65. The spatial extent of the Character Precincts has attracted a large number of submissions. Submitters have sought additions to the Character Precincts at a range of scales. Some have sought to maintain the existing extent of the character areas in the ODP, others have sought a return to the extent of Character Precincts recommended by Council officers in finalising the Spatial Plan, while others have sought bespoke areas in their submission or in the submissions of others. Some submitters, including Historic Places Wellington [182.15], have sought a two-tier or hybrid approach to the management of character values.
66. Additionally, a number of submitters are concerned that the extent of Character Precincts as proposed do not achieve a suitable scale or 'critical mass'.

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<sup>6</sup> Section 1.3, Pre-1930 Character Area Review, Boffa Miskell Ltd.

67. Identification of the spatial extent of the Character Precincts as presently proposed is described in the section 32 evaluation, with the area proposed representing a 72% reduction in area compared to the current character areas in the ODP.
68. As part of finalising the Spatial Plan, Council officers revisited the areas proposed to be included as Character Precincts. This was done in part as a response to a large number of submissions opposing the proposed reduction in character protection, and in part as a means to test and reassess the methodology used to identify them. This led to some further refinements to the methodology which are outlined in Appendix 6.
69. Based on this reassessment Council officers recommended that larger Character Precinct boundaries be included as part of the finalisation of the Spatial Plan. However, this recommendation was not accepted by the Council, with a majority preferring to prioritise the provision of greater development capacity, and the areas subsequently proposed in the PDP were confirmed.
70. Submitters including Regan Dooley [239.4], Khoi Phan [326], Garvin Wong [432.1] and Miriam Moore [433.12] seek that the Character Precincts are reduced in their extent or removed entirely.
71. Jonathan Marwick [490.16] considers that the Character Precincts applying to Mt Victoria should be reduced to match the boundaries of heritage areas proposed within Mt Victoria, and that the areas where character protection is removed should be rezoned to HRZ.
72. Generation Zero [254.15] and Paihikara Ki Pōneke Cycle Wellington [302.35] seek that the Character Precincts be retained as notified, but only as they apply to high concentrations of character, or where they can be justified on the basis of a rigorous and site-specific assessment.
73. A large number of submitters<sup>7</sup> seek significant additions to the proposed Character Precincts. The extents of the additions sought are variously based on the indicative character contribution areas from the Pre-1930's Character Area Review, the Character Precinct boundaries recommended by Council officers during the finalisation of the Spatial Plan, or areas identified by other groups such as Heritage New Zealand. Some submissions seek amendments to all Character Precincts, while others are specific to a given Character Precinct.

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<sup>7</sup> Submitters Mark Tanner [24], Peter Preston [42], Robert and Chris Gray [46.10, 46.16], Owen Watson [51], Phil Kellier [58.4] supported by Historic Places Wellington [FS111.39], Judith Bleach [60.1] supported by Claire Nolan, James Fraser, Biddy Bunzl, Margaret Franken, Michelle Wolland and Lee Muir [FS68.42], Heritage New Zealand Pouhere Taonga [70.2] opposed by KāingaOra – Homes and Communities [FS89.1], Tim Bright [75.5], Judith Graykowski [80.4], Anna Malinson [81.3], Joanna Newman [85.1], Kirsty Wood [109.1], Allan Olliver and Julie Middleton [111.2 and 111.3], Gael Webster [114.1] supported by Historic Places Wellington [FS111.188], Jocelyn Ng [130.1], Alexander Hockley [153.1 and 153.2], LIVE WELLington [154.1 and 154.5], Vivienne Morrell [155.3], John Schiff [166.1 and 166.3], Zaffa Christian [174.1 and 174.2], Jon Gaupset [175.1 and 175.2], Historic Places Wellington [182.15 and 182.19] opposed by KāingaOra [FS89.78 and FS89.80], Ros Bignell [186.4], Jonathan and Tricia Briscoe [190.12], Jonathan and Tricia Briscoe [190.18], Michael O'Rourke [194.7], Avryl Bramley [202.32], Kim McGuinness, Andrew Cameron, Simon Bachler, Deb Hendry, Penny Evans, Stephen Evens, David Wilcox, Mary Vaughan Roberts, Siva Naguleswaran, Mohammed Talim, Ben Sutherland, Atul Patel, Lewis Roney Yip, Sarah Collier Jaggard [204.3], Mt Victoria Historical Society [214.1], Sam Tocker and Patricia Lee [216.1], Nick Humphries [223.1], Mike Camden [226.1], Wellington's Character Charitable Trust [233.14 and 233.4], Alan Fairless [242.18], Cheryl Crooks [243.1], Cherie Jacobson [251.5], Everard Aspell [270.1], Claire Nolan, James Fraser, Biddy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275.15], Bernard Palamountain [278.1], Laura Gaudin [279.1], Matthew Plummer [300.2], Penelope Borland [317.10], Hilary Watson [321.13], Richard Murcott [322.17], Kerry Finnigan [336.4], Mt Victoria Residents Association [342.26], Sue Kedgley [387.2], Grace Ridley-Smith [390.1, 390.2 and 390.4], Murray Pillar [393.13], Josephine Smith [419.13], Paul Rutherford [424.19], Kat Hall [430.3], Peter Fordyce [431.2], Anna Kemble Welch [434.4], Newtown Residents Association [440.20], Rachel Underwood [458.1], Greater Brooklyn Residents Association [459.7], Anita Gude and Simon Terry [461.19], Bruce Hay-Chapman [462.1], Kiri Saul [463.1], Christina Mackay [478.10] and Catharine Underwood [481.4].

These submissions are variously supported, or opposed, by other submitters as detailed in Appendix B.

74. Submitters Dennis Foot [193.1], Avryl Bramley [202.8], Roland Sapsford [305.45], Carolyn Stephens [344.10], Elizabeth Nagel [368.12], Wellington Heritage Professionals [412.15], David Lee [454.3] and Catharine Underwood [481.11], seek that the extent of character areas from the ODP be directly carried over to the PDP as Character Precincts.
75. Anna Kemble Welch [434.10], Newtown Residents Association [440.18], and Dale McTavish [448.4], seeks that the Character Precincts in Newtown be extended to the area identified in the Boffa Miskell pre-1930 Character Area Review or the areas recommended as part of the finalisation of the Spatial Plan. Kirsty Woods [437.2] seeks that the extent of Character Precincts is extended in Newtown.
76. A smaller number of submissions, including Peter Hill [41], Mt Victoria Residents Association [342.17] and Grace Ridley-Smith [390.5] seek changes to the Character Precincts to create more logical boundaries, either specifically to identified areas or at a broader city-wide scale.
77. Cameron Vannisselroy [157.8], and Peter Nunns [196.5 and 196.14] in respect of Berhampore, support the extent of the Character Precincts as notified.
78. James Coyle [307.12] seeks that the Character Precinct boundaries be reassessed with independent voices involved. Jim and Christine Seymour [262.5] seek that new buildings in Character Precincts be designated by one more approved architects.

## Assessment

79. I do not agree with those submitters, including Regan Dooley [239.4], Khoi Phan [326], Garvin Wong [432.1] and Miriam Moore [433.12], who seek the removal, or a reduction in area, of the proposed Character Precincts. The proposed Character Precincts are already significantly reduced in extent from the current ODP based on an assessment of their character contribution. While the Council could have chosen to not include Character Precincts, it has instead chosen to exercise its discretion under section 77I(j) of the Act to do so. Therefore, it is important to ensure that their inclusion accords with the requirements of the Act, which I consider they do for the reasons outlined at section 9.0 of the section 32 evaluation and section 8.0 of this report. Importantly, the development capacity enabled by the PDP significantly exceeds expected demand, meeting the requirements of the NPS-UD. Having satisfied myself of their suitability as a qualifying matter, this section considers the appropriate spatial extent of the Character Precincts.
80. Regarding the submission from Jonathan Marwick [490.16], I do not agree that Character Precincts in Mt Victoria should be reduced to match the extent of proposed heritage areas. As a result, I do not agree that the areas in Mt Victoria where Mr Marwick seeks the removal of Character Precincts should be rezoned to HRZ. In particular I am of the opinion that the Character Precinct extent proposed has been determined with regard to a clear and robust methodology, supported and underpinned by a review of character contribution in the area by both Boffa Miskell and then Council officers. As already discussed, in my view the approach to utilising a qualifying matter for this purpose is appropriate.
81. I agree with the submissions of Generation Zero [254.15] and Paihikara Ki Pōneke Cycle Wellington [302.35] to the extent that they seek that Character Precincts apply to areas of high concentrations of character and are justifiable on a site-specific assessment. Similarly, I

acknowledge the submissions of Cameron Vannisselroy [157.8], and Peter Nunns [196.5 and 196.14] in respect of Berhampore, supporting the extent of Character Precincts as notified.

82. I do not agree with the submissions from Dennis Foot [193.1], Avryl Bramley [202.8], Roland Sapsford [305.45], Carolyn Stephens [344.10], Elizabeth Nagel [368.12], Wellington Heritage Professionals [412.15], David Lee [454.3] and Catharine Underwood [481.11] seeking that the extent of character areas from the ODP be directly carried over to the PDP as Character Precincts.
83. I do not consider that such an approach is justifiable in terms of meeting the requirements of the Act regarding the MDRS and Policy 3 of the NPS-UD, particularly in relation to satisfying the test that it represents the 'extent necessary' to accommodate Character Precincts as a qualifying matter. There is sufficient variability in the character contribution of the various properties within the current character areas that makes a number of properties unjustifiable based on a site-specific assessment. Further, when then considering concentrations of consistent character, the area that can be clearly and justifiably identified as Character Precincts reduces further. Rather, I prefer and support the adopted approach of identifying areas of concentrated character, based on the Pre-1930's Character Area Review. I consider this provides a strong evidential base for the subsequent identification of the Character Precinct boundaries.
84. In respect of the large number of submitters seeking significant additions to the extent of Character Precincts, either city-wide or specific to certain suburbs, I have considered these submissions with particular reference to the extent of Character Precincts recommended to the Council when finalising the Spatial Plan. I have also considered the areas identified by other submitters.
85. Maps provided in Appendix 1 of Part 4 of the S42A report (ie this report) show the current character areas in the ODP, the Character Precincts proposed in the PDP, and the areas recommended by Officers for the final Spatial Plan. Relatedly at Appendix 2 are maps that show the assessed character contribution of properties in these areas from the Pre-1930's Character Area Review.
86. Having carefully and thoroughly considered these, I consider and recommend that the extent of the Character Precincts should be increased. In my assessment, the methodology that was confirmed and applied in reviewing the spatial extent of the Character Precincts for the Spatial Plan better captures areas of concentrated character formed by primary and contributory buildings. Put another way, the spatial extent of the Character Precincts proposed in the PDP does not sufficiently identify consistent concentrations of character, based on the Pre-1930's Character Area Review. The identification of the proposed Character Precincts does not in my opinion suitably achieve the purpose of MRZ-PREC01, which describes the Precincts as being mapped "based on the consistency and coherence of character of the houses in these areas", noting that large areas of concentrated character are omitted in the PDP Character Precinct boundaries.
87. In my view, the enlarged areas better capture concentrated areas of character contribution, based on the specific methodology. I acknowledge that there are many ways to define the boundaries of the Character Precincts, and that various people could reach various conclusions in defining these boundaries. However, the boundaries I propose have been determined based on a refined methodology developed by a group of suitably qualified Council staff, and included in Appendix 6 of this part of the S42A report.

extent of Character Precincts shows that the reduction in development capacity is modest. Overall development capacity remains at 61,074 against a demand of 31,242 dwellings.

Economic impacts also relates to the direct costs that would be imposed through a resource consent process for new development or demolition of existing buildings. That cost is considered to be warranted with reference to the purpose of the Character Precincts objective MRZ-PREC01-O1.

There are commensurate economic benefits that result in the overall reduction of existing character areas by 56% from their current extent following the proposed amendments. Those benefits relate to the development capacity enabled by this reduction and the associated removal of demolition restrictions.

Social	Positive social effects relate to the maintenance of the character of these areas as valued by both residents within them, visitors and the wider community alike. It is acknowledged that the value placed on the maintenance of this character differs between various people. Conversely, there are social costs relating to the maintenance of the Character Precincts that apply directly to landowners in the form of restrictions on their use of their property, and the wider community through limitations on development capacity in these areas. These costs have been minimised through a reduction in the spatial extent of their application from what is currently in place.
Cultural	No cultural effects are considered to differ from the original section 32 evaluation.

## 11.0 Specific changes to Character Precinct boundaries

### Matters raised in submissions

108. Some submitters have sought more specific additions or reductions to the Character Precincts, rather than the broader level changes discussed in the previous section. An inferred and consequential change, where not specifically stated, is that where not already zoned MRZ, that inclusion of a property as a Character Precinct would require a zone change to MRZ from its current HRZ zoning.
109. I have set these submissions out according to the area to which they relate.

### Newtown

110. Gregory Webber [33.1 and 33.4], supported by WCCT [FS82.213] and HPW [FS111.107], considers that Green Street, Newtown, should be included as a Character Precinct and consequently be rezoned to MRZ.
111. Newtown Residents Association [440.19] seeks the addition of areas identified in the Boffa Miskell Pre-1930 Character Area Review, and the addition of Green Street, Emmett Street, Wilson Street, 74 to 171 Daniell Street and Regent Street, Newtown.
112. Jane Beale and Lisa Terreni [191.1], supported by Claire Nolan, James Fraser, Margaret Franken, Bidy Bunzel, Michelle Wooland, Lee Muir [FS68.30], WCCT [FS82.226] and HPW [FS111.104]; and Kim McGuinness, Andrew Cameron, Simon Bachler, Deb Hendry, Penny Evans,

In my view, a walkable catchment larger than 10 minutes to these suburban MCZ destinations would be stretching the willingness to walk that far, and driving, buses or cycling become more popular.

#### **4.4.2.16 Kilbirnie Metropolitan Centre walkable catchment**

367. A number of submitters requested changes to walkable catchments from Metropolitan Centre Zones (MCZ). In Wellington City, the MCZs are the Johnsonville and Kilbirnie commercial centres. Residential areas within a 10 minute walkable catchment of Johnsonville MCZ are zoned to enable six storey buildings. Around the Kilbirnie MCZ, however, only four storeys are enabled one or two blocks to the south and west, and three storeys everywhere else.
368. Willis Bond Co. Ltd. [416] and Conor Hill [76] specifically request a walkable catchment around Kilbirnie MCZ for at least six storeys (excluding qualifying matters).
369. The plan Section 32 Evaluation Report explains that: *“As a Metropolitan Centre zone, Kilbirnie is subject to Policy 3(b) of the NPSUD, meaning that development of at least 6 storeys must be enabled within the centre, and within a walkable catchment of the centre. The Council has determined that the risks of developing these areas to this intensity as a result of natural hazards is inappropriate, and therefore a lower scale of development is provided for in the immediate surrounding residential areas of Kilbirnie.”*<sup>42</sup>
370. This was a different approach than for all other plan walkable catchments, where the catchment is drawn first and then qualifying matters removed from it. The approach is also inconsistent with NPS-UD Policy 3(c)(iii) and Policy 4. District plans must enable six stories within a walkable catchment of the edge of metropolitan centre zones, and can only modify this to the extent necessary to accommodate a qualifying matter. This approach was taken because, until a few months before notification of the plan, the Council did not have the detailed updated modelling to identify the land at risk of tsunami and other coastal hazards.
371. Now that the plan has mapped the natural hazard risks around Kilbirnie, Policy 3(c) can be applied to Kilbirnie in the same detail as other centres. The map below shows the land that would be upzoned to HDRZ, excluding these NPS-UD qualifying matters: Medium Coastal Inundation Hazard, High Coastal Inundation Hazard, Medium Coastal Tsunami Hazard, High Coastal Tsunami Hazard, Liquefaction Hazard Overlay, Stream Corridor, Heritage Building or Structure, Air Noise Overlay, where more than a third of a residential lot is covered by a qualifying matter.
372. The HDRZ map is also aligned to include two small areas outside the black outline, but on closer inspection actually have access within the walkable catchment. The potential HDRZ also

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<sup>42</sup> Section 32 – Part 1 – Context to Evaluation and Strategic Objectives pg 37. <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/reports/section-32-part-1-context-to-evaluation-and-strategic-objectives.pdf?la=en&hash=C433D3521179B827BBCA3822BD154886D619A463>