

Hon Chris Bishop

Minister of Housing
Minister for Infrastructure
Minister Responsible for RMA Reform
Minister for Sport and Recreation
Leader of the House
Associate Minister of Finance



08 MAY 2024

Tory Whanau
Mayor of Wellington
Wellington City Council

cc Sean Audain
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cc Michael Duindam
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Dear Tory

On 19 March 2024 I received a letter from you on behalf of the Wellington City Council (the Council) referring twenty rejected Independent Hearings Panel recommendations and the Council's alternative recommendations to me for a final decision.

My decisions made in accordance with Schedule 1, clause 105 of the Resource Management Act 1991 (RMA) along with the reasons for my decision are set out in table format in Attachment A.

I have agreed with the Council's alternative recommendations in nine instances, relating to development around Adelaide Road, the walkable catchment around the City Centre Zone (including Hay St), character precincts, building heights and controls on the interface of the City Centre Zone and Moir and Hania Street, setbacks for 1-3 residential units, the Johnsonville train line and its walkable catchments, the Kāpiti train line walkable catchments, and hydraulic neutrality as it applies to the City Centre Zone.

The reasons for accepting these recommendations vary depending on the precise issue and are summarised in Attachment one to this letter. However, in general, the Council's recommendations give better effect to the National Policy Statement on Urban Development in that they provide additional capacity for housing and business land, will better achieve a well-functioning urban environment, will better provide for a competitive development market and provide for a more efficient use of land.

The Council recommended to not upzone the Kilbirnie centre, to allow them to do this through a separate plan change within one year. I have not accepted this recommendation and have instead accepted the Independent Hearings Panel recommendation to enable building heights of six storeys within a 10-minute walkable catchment from the Kilbirnie Metropolitan Centre Zone.

The Council also recommended removing ten buildings from the schedule of heritage buildings in the District Plan. I have not accepted this recommendation and have instead accepted the Independent Hearings Panel's recommendation to list these buildings on the Council's heritage schedule. I have based my decisions on the evidence provided by heritage expert that these buildings have heritage value and meet the criteria for listing.

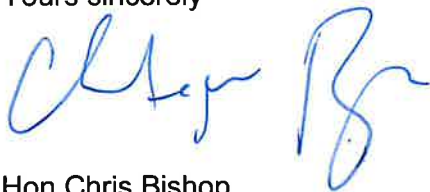
The Council has not pointed to any evidence to support its reasons for rejecting the Independent Hearing Panel's recommendations and no expert heritage evidence was lodged by building owners.

Thank you for your letter of 26 March 2024 which further discusses this issue of earthquake prone buildings and Heritage listings. I have asked officials to find options to make the delisting of heritage buildings less onerous in certain circumstances. I expect this work to progress this year.

I want to thank the Councillors, the Independent Hearings Panel and Council staff for the work undertaken to complete the Intensification Streamlined Planning Process.

My officials have contacted Council staff to inform them of my decisions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Bishop', written in a cursive style.

Hon Chris Bishop
Minister Responsible for RMA Reform

Attachment A: Wellington City Council Intensification Planning Instrument - Summary of Independent Hearings Panel and Council recommendations and reasons for Ministers decisions

	Summary of the Independent Hearing Panel's recommendation	Summary of the Council's alternative recommendation	Reasons for decisions to accept the recommendations
Matter A	Zone a strip of land along Adelaide Road as <i>Mixed Use Zone</i> .	Zone a strip of land along Adelaide Road as <i>City Centre Zone</i> , as notified (Minister's decision) .	<i>Council's alternative recommendation that the City Centre Zone is applied to the Adelaide Road area would better give effect to the NPS-UD, provide additional development capacity for both housing and business land in an area close to homes, services, and public transport, and enable a wider range of commercial activities within the Adelaide Road area</i>
Matter B	Base implementation of Policy 3(c)(ii) of the NPS-UD on a 15-minute walkable catchment from the City Centre Zone with amendments based on a range of qualitative factors relating to the suitability for walking. Apply consequential zoning and height limits (generally six storeys) within this area. Introduce a new requirement for properties in Kelburn to not intrude into viewshafts from the top of the Cable Car.	Base implementation of Policy 3(c)(ii) of the NPS-UD on a 15 minute walkable catchment from the City Centre Zone without incorporating the additional matters considered by the IHP. Apply consequential zoning and height limits (generally six storeys) within this area. Introduce a new requirement for properties in Kelburn to not intrude into viewshafts from the top of the Cable Car (Minister's decision) .	<i>Council's alternative recommendation would better give effect to the NPS-UD, would better achieve a well-functioning urban environment, and better provide for a competitive development market that could deliver a broader range and higher quantum of housing.</i>
Matter C	The City Centre Zone walkable catchment should extend up Hay Street to 7 Hay Street on the east and 8 Hay Street on the west. Land on Baring Street should be excluded from the walkable catchment. Consequentially, the Medium Density Residential Zone should apply to Baring St and further up Hay Street.	The City Centre Zone walkable catchment should extend up Hay Street to 23 Hay Street on the east and 8 Hay Street on the west. Land on Baring Street should also be included in the walkable catchment. The additional properties within this walkable catchment should be zoned High Density Residential Zone (Minister's decision) .	<i>Council's evidence on defining an appropriate walkable catchment is more comprehensive and reflects a more appropriate interpretation of walkability. Based on the inclusion of Hay Street and Baring Street land within the City Centre Zone's walkable catchment, the Council's alternative recommendation of applying a High Density Residential Zone is more consistent with National Policy Statement on Urban Development requirements under Policy 3.</i>

	Summary of the Independent Hearing Panel's recommendation	Summary of the Council's alternative recommendation	Reasons for decisions to accept the recommendations
Matter D	<p>Extend the spatial application of the character precincts beyond the extent notified in the 2022 Proposed District Plan.</p> <p>Related to this recommendation, the IHP recommends reducing the maximum height limit in the Berhampore Neighbourhood Centre Zone to 18 metres.</p>	<p>The extent of character precincts remains the same as that in the notified 2022 Proposed District Plan.</p> <p>Areas of extended character precincts that the IHP recommended to be consequentially downzoned to Medium Density Residential Zone from High Density Residential Zone, or that had their Medium Density Residential Zone maximum height limits reduced, be reverted back to their notified Medium Density Residential Zone and High Density Residential Zone with their notified maximum height limits.</p> <p>As a consequential amendment, the maximum building height within the Berhampore Neighbourhood Centre Zone be retained as the 22m limit (consistent with the notified 2022 Proposed District Plan) (Minister's decision).</p>	<p><i>The Council's recommendation is more aligned with the NPS-UD and will provide more development capacity.</i></p>
Matter E	<p>In the City Centre Zone reduce the building height for properties adjoining the Moir Street vicinity (between and including 45 and 21 Hania Street) to 15 metres and the height in relation to boundary be reduced to 5 metres and 60 degrees as sought by submitters.</p>	<p>The height in relation to boundary controls and building height settings in the City Centre Zone managing the interface of Hania and Moir Streets be returned to the notified 2022 Proposed District Plan numbers (with the retention of the Independent Hearings Panel recommendation for City Centre Zone-S1 to be height thresholds, not maximum heights) (Minister's decision).</p>	<p><i>The Council's recommendation is the most appropriate option to achieve the purpose of policy 3(a) of the NPS-UD by maximizing development capacity within the city centre zone.</i></p>

	Summary of the Independent Hearing Panel's recommendation	Summary of the Council's alternative recommendation	Reasons for decisions to accept the recommendations
Matter F	<p>Require developments of 1-3 residential units in the High Density Residential Zone to comply with minimum <i>side</i> yard requirements (boundary setbacks).</p> <p>Require developments of 1-3 residential units in the Medium Density Residential Zone to comply with minimum <i>front and side</i> yard requirements.</p>	<p>Exempt developments of 1-3 residential units in Medium and High Density Residential Zones from minimum front and side yard requirements (boundary setbacks), as notified in the 2022 Proposed District Plan (Minister's decision).</p>	<p><i>There is not sufficient evidence to support reinstating setback requirements. The Council's alternative recommendation to retain the setback provisions notified in the Proposed District Plan is compliant with the RMA. They will also provide for a more efficient use of land and allow for more development capacity than the IHP's recommendation.</i></p>
Matter G	<p>Do not classify the Johnsonville Line as a rapid transit service.</p> <p>Do not apply the intensification provisions of the National Policy Statement on Urban Development Policy 3(c) to areas within a 10-minute walkable catchment of Johnsonville Line stops.</p>	<p>Classify the Johnsonville Line as a rapid transit service.</p> <p>Apply the intensification provisions of the National Policy Statement on Urban Development Policy 3(c), enabling building heights of at least six storeys, to areas within a 10-minute walkable catchment of Johnsonville Line stops (Minister's decision).</p>	<p><i>The Council has provided strong reasoning for classifying the Johnsonville Line as rapid transit. This recommendation is the most appropriate to give effect to NPS-UD Policy 3(c).</i></p>

	Summary of the Independent Hearing Panel's recommendation	Summary of the Council's alternative recommendation	Reasons for decisions to accept the recommendations
Matter H	<p>Apply the following walkable catchments to these stations on the Kāpiti Line:</p> <ul style="list-style-type: none"> 5-minute walkable catchment to the east and southeast of Redwood Railway Station, and a 10-minute walkable catchment to the west and southwest of the station 5-minute walkable catchment around the Linden Railway Station 5-minute walkable catchment around the Takapu Road Railway Station. <p>Areas around the centre of Tawa that were zoned Medium Density Residential Zone in the Proposed District Plan should retain this zoning.</p>	<p>Within the ten-minute walkable catchments of the train stations of Takapu Road, Redwood and Linden:</p> <ul style="list-style-type: none"> All residential areas are to be High Density Residential Zone All Centre Zones within these identified 10-minute walkable catchments to have a maximum height standard of 22 metres where the Independent Hearings Panel's recommended maximum height is under 22 metres All mixed use and industrial zones within these 10-minute identified walkable catchments to have a restricted discretionary activity maximum height standard of 22 metres where the Independent Hearings Panel's recommended maximum height is under 22 metres <p>These amendments do not apply to areas subject to qualifying matters, which retain their notified 2022 Proposed District Plan zoning and heights as amended by Council decisions on 14 March 2024 (Minister's decision).</p>	<p><i>The Council's recommendation is based on MfE guidance, planning evidence (including by Kāinga Ora) and several submissions requesting increased walkable catchments along the Kāpiti Line.</i></p> <p><i>Officials consider this evidence is more comprehensive than the IHP's evidence. The Council's recommendation is also better aligned with the purpose of NPS-UD Policy 3(c)(i) and will provide more development capacity than the IHP's recommendation by providing taller building heights within walkable catchments.</i></p>
Matter I	<p>Recommend the Gordon Wilson Flats remain on the Heritage Schedule (IHP Report 3a Para 441) (Minister's decision).</p>	<p>Heritage building - #299, 320 The Terrace, Gordon Wilson Flats be removed from SCHED1.</p>	<p><i>There is not sufficient evidence to support the Council's alternative recommendation to remove the Gordon Wilson Flats from the heritage schedule.</i></p>
Matter J	<p>Recommend Gas Tank (Former) is added to the Heritage Schedule and should be renamed to 'Miramar Installation Bulk Storage Tank' (IHP Report 3A para 475) (Minister's decision).</p>	<p>Heritage building #511, 139 Park Road, Gas Tank (Former) be removed from SCHED1.</p>	<p><i>There is not sufficient evidence to support the Council's alternative recommendation to remove the Gas Tank (former) from the heritage schedule</i></p>

	Summary of the Independent Hearing Panel's recommendation	Summary of the Council's alternative recommendation	Reasons for decisions to accept the recommendations
Matter K	<p>Recommend Emeny House (former) remain on the Heritage Schedule with the following amendments:</p> <ul style="list-style-type: none"> • exclude the interior • exclude the rear garden <p>Amended wording for the external envelope and front garden: <i>"Entire External envelope; Front garden - masonry front fence, piers, and metal gates; front garden formal layout including edging around planter beds, tiled path; tiled steps to entrance, rendered plinths, and tiled porch floor"</i> (Minister's decision).</p>	Heritage building #415, 1 Ranfurly Terrace, Emeny House (former) be removed from SCHED1.	<i>There is not sufficient evidence to support the Council's alternative recommendation to remove Emeny House (former) from the heritage schedule.</i>
Matter L	Recommend Kahn House is added to the Heritage Schedule (Minister's decision) .	Heritage building #520, 53 Trelissick Crescent, Kahn House be removed from SCHED1.	<i>There is not sufficient evidence to support the Council's alternative recommendation to remove Kahn House from the heritage schedule.</i>
Matter M	Recommend Olympus Apartments are added to the Heritage Schedule (Minister's decision) .	Heritage building #510, 280 Oriental Parade, Olympus Apartments be removed from SCHED1.	<i>There is not sufficient evidence to support the Council's alternative recommendation to remove Olympus Apartments from the heritage schedule.</i>
Matter N	Recommend Wharenui Apartments are added to the Heritage Schedule, with amended curtilage (Minister's decision) .	Heritage building #509, 274 Oriental Parade, Wharenui Apartments be removed from SCHED1.	<i>There is not sufficient evidence to support the Council's alternative recommendation to remove the Wharenui Apartments from the heritage schedule.</i>
Matter O	Recommend Robert Stout Building is added to the Heritage Schedule (Minister's decision) .	Heritage building #497, 21 Kelburn Parade, Robert Stout Building be removed from SCHED1.	<i>There is not sufficient evidence to support the Council's alternative recommendation to remove the Robert Stout building from the heritage schedule.</i>
Matter P	Recommend Former Primitive Methodist Church is added to the Heritage Schedule (Minister's decision) .	Heritage building #490, 24 Donald McLean Street, Former Primitive Methodist Church be removed from SCHED1.	<i>There is not sufficient evidence to support the Council's alternative recommendation to remove the Former Primitive Methodist Church building from the heritage schedule.</i>

	Summary of the Independent Hearing Panel's recommendation	Summary of the Council's alternative recommendation	Reasons for decisions to accept the recommendations
Matter Q	Recommend Johnsonville Masonic Hall remains on the Heritage Schedule (Minister's decision) .	Heritage building #366, 25-29 Phillip Street, be removed from SCHED1.	<i>There is not sufficient evidence to support the Council's alternative recommendation to remove the Johnsonville Masonic Hall building from the heritage schedule.</i>
Matter R	Our Lady Star of the Sea Chapel and Stella Maris Retreat House (former school and convent) is added to the Heritage Schedule. Note that this recommendation only relates to the Stella Maris Retreat House (former school and convent) (Minister's decision) .	Heritage building #120, 69 Tio Tio Road, Our Lady Star of the Sea Chapel and Stellamaris Retreat House be removed from SCHED1.	<i>There is not sufficient evidence to support the Council's alternative recommendation to remove the Our Lady Star of the Sea Chapel and Stellamaris Retreat House building from the heritage schedule.</i>
Matter S	Enable building heights of six storeys within a 10-minute walkable catchment from the Kilbirnie Metropolitan Centre Zone (Minister's decision) .	Retain the notified building heights and zoning in the Kilbirnie walkable catchment. Undertake a plan change within one year to give effect to Policy 3(c)(iii) within a walkable catchment of the Kilbirnie centre.	<i>The IHP's recommendation would better give effect to the National Policy Statement on Urban Development.</i>
Matter T	Exempt the City Centre Zone (CCZ) from the Three Waters Rule 6 (THW-R6) (Hydraulic neutrality – four or more residential units and non-residential buildings).	Apply Rule THW-R6 to the City Centre Zone (Minister's decision) .	<i>Applying the hydraulic neutrality requirements in the City Centre Zone would lead to the more efficient and cost-effective management of stormwater. It is also an effective and efficient way of ensuring that the adverse effects of increased stormwater runoff are paid for by those who cause them.</i>