

## Public notice of Ministerial decisions on the 2024 Wellington City District Plan

Pursuant to Clauses 20 and 106, Schedule 1 of the Resource Management Act 1991 (RMA), the Wellington City Council (the Council) gives notice of decisions made by Minister for RMA Reform Chris Bishop on Intensification Planning Instrument (IPI) recommendations referred to him by the Council under the Intensification Streamlined Planning Process (ISPP).

On 8 May 2024, the Minister for RMA Reform, Chris Bishop, announced his decisions on the IPI recommendations referred to him by the Council. The Minister accepted some of the Independent Hearings Panel's recommendations and rejected others, accepting instead the Council's alternatives. The Minister has given reasons. His decisions are detailed in the attached schedule.

The Minister's press release and a table detailing his decisions and reasons can be found on the Beehive Website: <https://www.beehive.govt.nz/release/decisions-wellington-city-council%E2%80%99s-district-plan>.

Pursuant to Clauses 20 and 106, Schedule 1 of the RMA, those parts of the 2024 Wellington City District Plan (formerly referred to as the Proposed District Plan) amended to reflect Ministerial decisions, become **operative on 7 June 2024**.

The Council has set up a webpage which details decisions made on the 2024 District Plan to date and sets out next steps. The webpage can be found at: [wellington.govt.nz/districtplandecisions](https://www.wellington.govt.nz/districtplandecisions).

A physical copy of these decisions can also be obtained from the Council's offices at 113 The Terrace or at any of its public libraries.

### **Background**

The District Plan is the Council's main statutory planning document that controls where activities can be located and how land can be used, developed and subdivided. The 2024 District Plan was prepared in accordance with the RMA and was publicly notified on 18 July 2022. It will eventually fully replace the 2000 District Plan version, but for now both have legal effect for some provisions.

An Independent Hearings Panel (Panel) is hearing submissions on the Proposed District Plan provisions and has provided its recommendations to Council on submissions considered in Hearing Streams 1 – 5. Most of these Hearing Streams 1 – 5 provisions are under the Intensification Streamlined Planning Process (ISPP), but some of the provisions are under the RMA Schedule 1 Part 1 "Standard" Process provisions (Standard Process).

At its meeting on 14 March 2024, the Council decided to accept most of the Panel's formal recommendations on Hearing Streams 1 – 5. The Council referred recommendations it rejected to the Minister, along with its alternative recommendations, to accept or reject.

The Panel's recommendations on the IPI can be found in the Panel's reports for Hearing Streams 1 – 5 at <https://www.wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/hearing-panel-reports-and-briefings>.

### **Previous public notices**

The Council gave public notice pursuant to clauses 104 and 20 of Schedule 1 to the RMA of accepted IPI recommendations on 20 March 2024.

The Council gave public notice pursuant to Clause 10 of Schedule 1 to the RMA decisions on the Proposed District Plan provisions that were notified under Part 1 of Schedule 1 to the RMA (Standard Process) in Hearing Streams 1 – 5 on 5 April 2024.

This is the third public notice and relates solely to Ministerial decisions on the recommendations referred to him by Council.

### **Updated district plan viewable**

The 2024 District Plan has been updated to reflect Ministerial decisions.  
It is available online at: <https://eplan.wellington.govt.nz/proposed>.

It has notations recording the provisions that are now operative (or treated as operative), the provisions that have legal effect but are not yet operative, and the provisions that plan users should have regard to but do not yet have legal effect.

### **Next steps**

Hearing Streams 6 - 10 on the remaining 2024 District Plan chapters are underway and will continue through 2024. They are following the Standard Process. Decisions on these provisions are due in early 2025.

### **Contact for questions on the Proposed District Plan or Intensification Streamlined Planning Process**

If you have any questions on the 2024 District Plan please contact the District Plan Team by phone on 021 198 7136 or by email at [district.plan@wcc.govt.nz](mailto:district.plan@wcc.govt.nz).

If you would like independent support from a qualified planner who has had no involvement in developing the 2024 District Plan, you can contact our 'Friend of the Submitter' service: 021 803 0080, [friendofsubmitters@wcc.govt.nz](mailto:friendofsubmitters@wcc.govt.nz).



Barbara McKerron  
Chief Executive  
On behalf of Wellington City Council  
24 May 2024

**Schedule: Table showing rejected hearings panel recommendations, Council alternatives, and Ministerial decisions**

Matter A: Adelaide Road
<b>IHP recommendation(s) rejected by the Council</b>
Recommendations in Report 4B, para 11 and Report 4B, para 106.
<b>Council’s alternative recommendation(s)</b>
Retains the City Centre zoning and the associated zone-based provisions and associated spatial layers as it relates to Adelaide Road between Rugby St and John Street in the notified 2022 Proposed District Plan.
<b>Minister’s decision</b>
IHP recommendation rejected; Council alternative <b>ACCEPTED</b> .
<b>Minister’s reasons</b>
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.

Matter B: Walkable catchment around City Centre Zone
<b>IHP recommendation(s) rejected by the Council</b>
Recommendations in Report 1A as it relates to the City Centre Zone walkable catchment for NPS-UD: paras 6c, 299, 303, 341; Report 2A, as it relates to the Council amendment: paras 687, 696, 701, 703, 704, 707, 724; and Report 4C, para 515 as it relates to maximum height; Report 3B, paras 107, 111, 113 as it relates to Kelburn High Density Residential Zone and viewshafts.
<b>Council’s alternative recommendation(s)</b>
<p>1. Within a City Centre Zone walkable catchment as shown in the attached Map A: <i>The City Centre Zone Walkable Catchment</i> as per Section 42A Report Recommendations, which applies the 15 minute walkable catchment as recommended in <a href="#">Hearing Stream 1 Section 42A report</a> para 360, and with the minor adjustment around Hay Street identified in the <a href="#">Hearing Stream 1 Addendum to Council Officers Right of Reply</a> para 12:</p> <p>All residential areas are to be High Density Residential Zone, as shown in the Map A.  All centres within this identified City Centre Zone walkable catchment to have a maximum height standard of 22 m where the IHP recommended maximum height is under 22 m.  These amendments do not apply to qualifying matter areas (e.g. character precincts, heritage areas, high natural hazard overlays) which retain their 2022 notified PDP zoning and heights as further amended by Council decisions 14 March 2024.  The measurement of the walkable catchment uses the methods described in the <a href="#">Walking Network Statement of Evidence</a> at Hearing 1. It rejects the additional factors recommended by the Hearings Panel e.g. distance from the core of the City Centre Zone, and desirability. The specific mapping metadata and process to draw the walkable catchment and zoning will be supplementary evidence to the Minister.</p> <p>2. Adds a new (c) into Viewshafts chapter rule VIEW-R2.2 [permitted activity High Density Residential Zone]: “any building or structure in Kelburn does not intrude into Viewshafts 13, 14 or 15.”</p>
<b>Minister’s decision</b>
IHP recommendation rejected; Council alternative <b>ACCEPTED</b> .
<b>Minister’s reasons</b>
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.

Matter C: Hay Street
<b>IHP recommendation(s) rejected by the Council</b>
Independent Hearing Recommendations in Report 1A, para 6(c)(vii) for properties south of #7 and #8 Hay Street; Report 1A, para 341(g) for properties south of #7 and #8 Hay Street and Report 2A, para 706 for properties south of #7 and #8 Hay Street
<b>Council’s alternative recommendation(s)</b>

The High Density Residential Zone and maximum heights limits are applied to Hay Street in the same way as other areas within a walking catchment of the City Centre Zone without any Hay Street exemption.
<b>Minister's decision</b>
IHP recommendation rejected; Council alternative <b>ACCEPTED</b> .
<b>Minister's reasons</b>
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.

<b>Matter D: Character Precincts</b>
<b>IHP recommendation(s) rejected by the Council</b>
Recommendations in Report 2B para 481; Report 2A para 823; and Report 4C para 522.
<b>Council's alternative recommendation(s)</b>
The extent of Character Precincts remain the same as that in the notified 2022 Proposed District Plan.  Areas of extended Character Precincts as recommended by the Independent Hearings Panel that were 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 and High Density Residential Zone, with their notified maximum height limits.  Consequential on the above relief, the maximum building height within the Berhampore Neighbourhood Centre Zone to retain the notified 22m limit.
<b>Minister's decision</b>
IHP recommendation rejected; Council alternative <b>ACCEPTED</b> .
<b>Minister's reasons</b>
The Council's recommendation is more aligned with the NPS-UD and will provide more development capacity.

<b>Matter: Moir and Hania Street Interface</b>
<b>IHP recommendation(s) rejected by the Council</b>
Recommendations in report 4B para 40.
<b>Council's alternative recommendation(s)</b>
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 back to the notified 2022 Proposed District Plan numbers (with the retention of Independent Hearing Panel recommendation for CCZ-S1 to be height thresholds, not maximum heights).
<b>Minister's decision</b>
IHP recommendation rejected; Council alternative <b>ACCEPTED</b> .
<b>Minister's reasons</b>
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.

<b>Matter F: Setbacks for 1-3 residential units</b>
<b>IHP recommendation(s) rejected by the Council</b>
Report 2A para 200 in relation to para 199(m), 419 and 473.
<b>Council's alternative recommendation(s)</b>
The development of 1-3 residential units in the Medium and High Density Residential Zones have no minimum front or side yard requirements.
<b>Minister's decision</b>
IHP recommendation rejected; Council alternative <b>ACCEPTED</b> .
<b>Minister's reasons</b>

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.

#### Matter G: Johnsonville Line and its walkable catchments

##### IHP recommendation(s) rejected by the Council

Reports Report 1A: paras 4, 232, 233, 235, 237, 238, 299 (in relation to Johnsonville Line); Report 2A: paras 31(a), 728, 729, 730; Report 4C: paras 15, 261, 415, 595 (in relation to centres within 10 minutes of Johnsonville Line stations); and any other more general Independent Hearings Panel statements that are contrary to centres within 10 minutes walkable catchment of Johnsonville Line stations having a maximum height standard less than 22 m.

##### Council's alternative recommendation(s)

Within the ten minute walkable catchments of the train stations of Crofton Downs, Ngaio, Awarua Street, Simla Crescent, Box Hill, Khandallah and Raroa, as shown in the attached *Map B: The Johnsonville Train Line and 10 minute Walkable Catchments from its Stations*, which is in turn based on the 2021 Spatial Plan for Wellington City: [Our Plan – Outer Suburbs](#):

All residential areas are to be to be High Density Residential Zone, as shown in the Map B.

All centres and mixed use zones within these identified 10 minute walkable catchments to have a maximum height standard of 22 m where the Independent Hearings Panel recommended maximum height is under 22 m.

These amendments do not apply to qualifying matter areas (e.g. character precincts, heritage areas, high natural hazard overlays) which retain their notified 2022 Proposed District Plan zoning and heights as amended by Council decisions 14 March 2024.

The measurement of the walkable catchment uses the methods described in the [Walking Network Statement of Evidence](#) at Hearing 1. It rejects the additional factors recommended by the Hearings Panel e.g. desirability and footpath quality. The specific mapping metadata and process to draw the walkable catchment and zoning will be supplementary evidence to the Minister.

Amend the 'Rapid Transit' definition to add "... includes the Kapiti Rail Line, the Johnsonville Line and the Hutt/Melling Line."

Amend the 'Rapid Transit Stop' definition to add: "... include Wellington Railway Station, Ngauranga Railway Station, the Johnsonville Line's Crofton Downs, Ngaio, Awarua Street, Simla Crescent, Box Hill, Khandallah, Raroa and Johnsonville 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."

##### Minister's decision

IHP recommendation rejected; Council alternative **ACCEPTED**.

##### Minister's reasons

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).

#### Matter H: Kapiti Line walkable catchments

##### IHP recommendation(s) rejected by the Council

Report 1A, para 317, 312 and 321; and Report 2A, para 739.

##### Council's alternative recommendation(s)

1. Within the ten minute walkable catchments of the train stations of Takapu Road, Redwood and Linden, as shown in the attached *Map C: The Kapiti Train Line and 10 Minute Walkable Catchments from its Stations in the Tawa Suburb*, which is in turn based on the 2021 Spatial Plan for Wellington City: [Our Plan – Outer Suburbs](#):

- All residential areas are to be High Density Residential Zone, as shown in Map C. Map C also includes the walkable catchments of Tawa and Kenepuru as unchanged from the IHP recommendations, in order to show the collective walkable catchment for these rapid transit stations in the Tawa suburb.
- All centres zones within these identified 10 minute walkable catchments to have a maximum height standard of 22 m where the Independent Hearings Panel recommended maximum height is under 22 m.
- All mixed use and industrial zones within these identified 10 minute walkable catchments to have a restricted discretionary activity maximum height standard of 22 m where the IHP recommended maximum height is under 22 m.

- These amendments do not apply to qualifying matter areas (e.g. character precincts, heritage areas, high natural hazard overlays) which retain their notified 2022 Proposed District Plan zoning and heights as amended by Council decisions 14 March 2024.

The measurement of the walkable catchment uses the methods described in the [Walking Network Statement of Evidence](#) at Hearing 1. It rejects the additional factors recommended by the Hearings Panel e.g. desirability and topography. The specific mapping metadata and process to draw the walkable catchment and zoning will be supplementary evidence to the Minister.

#### Minister's decision

IHP recommendation rejected; Council alternative **ACCEPTED**.

#### Minister's reasons

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. 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.

#### Matter I: Gordon Wilson Flats

##### IHP recommendation(s) rejected by the Council

Report 3A para 441.

##### Council's alternative recommendation(s)

Heritage building - #299, 320 The Terrace, Gordon Wilson Flats be removed from SCHED1.

##### Minister's decision

IHP recommendation **ACCEPTED**.

##### Minister's reasons

There is not sufficient evidence to support the Council's alternative recommendation to remove the Gordon Wilson Flats from the heritage schedule.

#### Matter J: Gas Tank (Former)

##### IHP recommendation(s) rejected by the Council

Report 3A para 475.

##### Council's alternative recommendation(s)

Heritage building #511, 139 Park Road, Gas Tank (Former) be removed from SCHED1.

##### Minister's decision

IHP recommendation **ACCEPTED**.

##### Minister's reasons

There is not sufficient evidence to support the Council's alternative recommendation to remove the Gas Tank (former) from the heritage schedule.

#### Matter K: Emeny House

##### IHP recommendation(s) rejected by the Council

Report 3A para 556.

##### Council's alternative recommendation(s)

Heritage building #415, 1 Ranfurly Terrace, Emeny House (former) be removed from SCHED1.

##### Minister's decision

IHP recommendation **ACCEPTED**.

##### Minister's reasons

There is not sufficient evidence to support the Council's alternative recommendation to remove Emeny House (former) from the heritage schedule.

Matter L: Kahn House
<b>IHP recommendation(s) rejected by the Council</b>
Report 3A para 506.
<b>Council's alternative recommendation(s)</b>
Heritage building #520, 53 Trelissick Crescent, Kahn House be removed from SCHED1.
<b>Minister's decision</b>
IHP recommendation <b>ACCEPTED.</b>
<b>Minister's reasons</b>
There is not sufficient evidence to support the Council's alternative recommendation to remove Kahn House from the heritage schedule.

Matter M: Olympus Apartments
<b>IHP recommendation(s) rejected by the Council</b>
Report 3A para 471.
<b>Council's alternative recommendation(s)</b>
Heritage building #510, 280 Oriental Parade, Olympus Apartments be removed from SCHED1.
<b>Minister's decision</b>
IHP recommendation <b>ACCEPTED.</b>
<b>Minister's reasons</b>
There is not sufficient evidence to support the Council's alternative recommendation to remove Olympus Apartments from the heritage schedule.

Matter N: Wharenui Apartments
<b>IHP recommendation(s) rejected by the Council</b>
Report 3A para 467.
<b>Council's alternative recommendation(s)</b>
Heritage building #509, 274 Oriental Parade, Wharenui Apartments be removed from SCHED1
<b>Minister's decision</b>
IHP recommendation <b>ACCEPTED.</b>
<b>Minister's reasons</b>
There is not sufficient evidence to support the Council's alternative recommendation to remove the Wharenui Apartments from the heritage schedule.

Matter O: Robert Stout building
<b>IHP recommendation(s) rejected by the Council</b>
Report 3A para 456.
<b>Council's alternative recommendation(s)</b>
Heritage building #497, 21 Kelburn Parade, Robert Stout Building be removed from SCHED1.
<b>Minister's decision</b>
IHP recommendation <b>ACCEPTED.</b>
<b>Minister's reasons</b>
There is not sufficient evidence to support the Council's alternative recommendation to remove the Robert Stout building from the heritage schedule.

Matter P: Primitive Church
<b>IHP recommendation(s) rejected by the Council</b>
Report 3A para 454.
<b>Council's alternative recommendation(s)</b>

Heritage building #490, 24 Donald McLean Street, Former Primitive Methodist Church be removed from SCHED1.
<b>Minister's decision</b>
IHP recommendation <b>ACCEPTED</b> .
<b>Minister's reasons</b>
There is not sufficient evidence to support the Council's alternative recommendation to remove the Former Primitive Methodist Church building from the heritage schedule.

<b>Matter Q: Masonic Hall</b>
<b>IHP recommendation(s) rejected by the Council</b>
Report 3A para 445.
<b>Council's alternative recommendation(s)</b>
Heritage building #366, 25-29 Phillip Street, Johnsonville Masonic Hall be removed from SCHED1.
<b>Minister's decision</b>
IHP recommendation <b>ACCEPTED</b> .
<b>Minister's reasons</b>
There is not sufficient evidence to support the Council's alternative recommendation to remove the Johnsonville Masonic Hall building from the heritage schedule.

<b>Matter R: Star of the Sea</b>
<b>IHP recommendation(s) rejected by the Council</b>
Report 3A para 435.
<b>Alternative recommendation(s)</b>
Heritage building #120, 69 Tio Tio Road, Our Lady Star of the Sea Chapel and Stellamaris Retreat House be removed from SCHED1.
<b>Minister's decision</b>
IHP recommendation <b>ACCEPTED</b> .
<b>Minister's reasons</b>
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.

<b>Matter S: Kilbirnie plan change</b>
<b>IHP recommendation(s) rejected by the Council</b>
Report 1A paras 5, 336, 337; and Report 2A paras 690, 711, 712; that alter the Proposed Plan to include a walkable catchment and consequential zoning for Kilbirnie.
<b>Alternative recommendation(s)</b>
NPS-UD Policy 3(c) will instead be implemented in a Part 1, Schedule 1 district plan change, with early consultation with the community that includes the Independent Hearing Panel's recommended walkable catchment and High Density Residential Zone around Kilbirnie Metropolitan Centre Zone. The plan change will be notified within one year of the Minister's acceptance on this topic.
<b>Minister's decision</b>
IHP recommendation <b>ACCEPTED</b> .
<b>Minister's reasons</b>
The IHP's recommendation would better give effect to the National Policy Statement on Urban Development.

<b>Matter T: Hydraulic Neutrality (application to CCZ)</b>
<b>IHP recommendation(s) rejected by the Council</b>
Recommendations in Report 5C paras 5 and 46.
<b>Alternative recommendation(s)</b>
Three Waters Chapter rule THW-R6 (Hydraulic neutrality - four or more residential units and non-residential buildings) apply to the City Centre Zone, as notified in the 2022 Proposed District Plan.



**Minister's decision**

IHP recommendation rejected; Council alternative **ACCEPTED**.

**Minister's reasons**

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.