Before the Hearings Panel
At Porirua City Council

Under	Schedule 1 of the Resource Management Act 1991
In the matter of	the Proposed Porirua District Plan
Between	**Various**
	Submitters
And	**Porirua City Council**
	Respondent

Statement of evidence of Graeme Robert McIndoe
on behalf of Porirua City Council

Urban Design

8 February 2023

INTRODUCTION:

1 My full name is Graeme Robert McIndoe.

2 I have prepared this statement of evidence on behalf of the Porirua City Council (**Council**) in respect of technical related matters arising from the submissions and further submissions on the Proposed Porirua District Plan (**PDP**).

3 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS AND EXPERIENCE

4 I am a registered architect and qualified urban designer with 40 years professional experience. My qualifications include MA Urban Design; Dip Urban Design (Dist); BArch(Hons 1); BBSc. I am a Fellow of the New Zealand Institute of Architects and am founding director of specialist Wellington-based urban design consultancy McIndoe Urban Ltd.

5 As well as involvement in master-planning, project design, urban design research, formulating and/or advising on district plan standards, and professional design review, I have extensive experience as an Environment Court and Board of Inquiry expert witness for multiple public and private clients.

6 I taught part-time for 17 years at VUW School of Architecture where I was a Senior Lecturer until 2009 and have continued since as a guest lecturer and external examiner.

7 I chair design review panels including WCC's Waterfront 'Technical Advisory Group' and the Nelson/Tasman 'Urban Design Panel'; chaired the Christchurch Town Hall 'Heritage Advisory Team'; and am a member of Eke Panuku's Technical Advisory Group and the Auckland Council's Urban Design Panel.

8 I was principal co-author of MfE's *The Value of Urban Design: the economic, environmental and social benefits of urban design* and edition 1 of *The Urban Design Toolkit* (both 2005). I was a member of the Ministry of Justice's 2005 *Task Force on Community Violence Prevention*, and the 2011 *Urban Task Group* advising the Minister of the Environment on RMA2 reforms.

9 I wrote half of the first generation of statutory design guides for Wellington City Council between 1992-94. Following revisions and additions to all guides that I carried out in the mid-2000s, these guides remain operative 28 years later.

10 I have since 1992 both contributed to and written several advisory design guides and having been involved in multiple discussions around their application, most notably as a member of the Steering Group for the Auckland Council's *Auckland Design Manual*, and as principal urban design advisor to Auckland Council before and during the 2015 Unitary Plan residential hearings process.

Code of conduct

11 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence before the Environment Court. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

INVOLVEMENT WITH THE PROPOSED PLAN

12 I began advising Porirua City Council on these District Plan changes in January 2016. Since then, I have prepared expert urban design advice including multiple urban design reports and memoranda, worked with Council officers on identifying zone boundaries and overlay boundaries,

and I wrote and illustrated the proposed design guides. I am familiar with the Porirua city context and urban development having assisted the city in a professional urban design capacity since 2000. I have undertaken multiple site visits and been informed by GIS graphic analysis as part of this current work.

SCOPE OF EVIDENCE

13 My statement of evidence addresses the following matters:

13.1 Use of Statutory Design Guides

13.2 Shading height controls in HRZ and MRZ

13.3 Increased building height in MCZ to provide for 15 storey buildings

13.4 Front boundary setback in HRZ

13.5 Fencing standard

13.6 Application of HVCA to 35 Terrace Road Titahi Bay

13.7 Active frontage submissions

a. Z Energy Limited. Z MANA - 143 Mana Esplanade
b. Foodstuffs North Island Limited. New World Whitby
c. Harvey Norman Properties (N.Z.). 5 John Seddon Drive

14 References to submissions below relate to the submission numbers identified in PCC's 'Summary of Decisions Requested By Submitter.' (October 2022)

EVIDENCE

Use of Statutory Design Guides

15 Kāinga Ora – Homes and Communities (Kāinga Ora) PDP and V1 submissions seek deletion of statutory design guides and their replacement with amended design policies which incorporate the design guide objectives (submission points include OS76.111, OS76.33,

OS76.39, OS76.42). The decision requested is "revised provisions to clarify intended design outcomes" and reasons given for this are:

- *Ensure that Kāinga Ora can carry out its statutory obligations;*
- *Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991, relevant national direction, and regional alignment;*
- *Ensure that the s32 analysis has appropriately analysed and considered other reasonable options to justify the proposed plan provisions;*
- *Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development;*
- *Provide clarity for all plan users; and*
- *Allow Kāinga Ora to fulfil its urban development functions as required under the Kāinga Ora–Homes and Communities Act 2019. [Refer to original submission for full reason, including attachment]*

16 In a related submission Kāinga Ora (OS76.350, OS76.351 and OS76.352) seeks the Design Guidelines are removed from within the District Plan and are treated as non-statutory tool, outside of the District Plan. The submitter's reason is that design guidelines in the Plan would act as de facto rules to be complied with. Kāinga Ora also opposes any policy or rule that requires development proposals to be consistent with such design guidelines in the District Plan.

17 Kāinga Ora also submit (OS76.353):

If the Council does not provide the relief sought, in deleting the design guidelines and references to such guidelines in the District Plan, Kāinga Ora seeks that the design guidelines are amended, simplified and written in a manner that is easy to follow. The outcomes sought in the guidelines should read as desired requirements with sufficient flexibility to provide for a design that fits and works on site, rather than rules that a consent holder must follow and adhere to. Otherwise, there is no flexibility and scope to create a design that fits with specific site characteristics and desired built form development.

18 **Recommendation**

Reject these submissions.

19 **Reasons**

19.1 In my opinion the intentions of design guides are better understood by developers and their designers than the alternative of simple, high-level lists of objectives, outcomes or assessment criteria. This is informed by my experience of professional design review for various local authorities over the last three decades with and without design guides and working with various design guides for public and private sector developers.

19.2 This experience of design guide/criteria production and implementation, informs my conclusion that statutory design guides are also more effective and efficient than advisory guides and or lists of outcomes and assessment criteria.

19.3 Design guides are effective because they give guidance for interpretation and therefore certainty on the quality of outcomes expected while, contrary to the Kāinga Ora submission, also allowing flexibility on what those outcomes are. That is, they are specific about objectives but remain open on how those objectives are achieved, therefore do not read as rules. Because of this clear identification of the intent and scope of design consideration, they are also efficient.

19.4 Kainga Ora's Proposal of identifying only outcomes in the form of policies without related guidelines, explanation and illustrations would give brevity of text but not clarity of intent. It would be open to wide, multiple and potentially inconsistent interpretations of what is meant by each outcome or objective. A lack of detail often demands individual clarification of what is meant by outcomes as applied to each consent application. The obvious potential

for multiple and different personal interpretations risks inconsistency both within applications that are processed over a long period of time, and also between applications when they are reviewed by different Council assessors. In my experience it also risks dispute on interpretation between Council design reviewers and the applicant's designers. Such an approach therefore contributes to uncertainty and presents a high risk of inefficiency. These negative process outcomes are avoided or mitigated by use of design guides which include design objectives and design guidelines with explanations to, and illustrations supporting, the guidelines.

19.5 The alternative approach of advisory (non-statutory) design guides as requested by Kāinga Ora are not effective at an implementation level, simply because they are not required to be applied, or if they are referred to, they are given little or no weight.

19.6 The proposed suite of guides is suitably concise and therefore efficient in application. For example, PCC's proposed Residential Design Guide has the following content:

- Townhouse development: 14 objectives + 23 guidelines
- Apartment Development: 13 objectives and 23 guidelines
- Hybrid townhouse and apartment development 27 objectives and 46 guidelines

This compares favourably with Wellington City Council's design guides as follows:

- Operative Residential Design Guide 15 objectives + 67 guidelines
- Proposed Residential Design Guide 22 outcomes + 137 guidelines

19.7 I consider that the design guides are suitably clear and easy to follow, and Kāinga Ora have not provided any evidence to substantiate their claim to the contrary.

19.8 It is incorrect that the design guides do not provide sufficient flexibility to allow for a "design that fits and works on site". The design guides focus on the intended quality of design outcomes, not on defining precisely what those outcomes will be and the potential for flexibility is woven throughout all parts of all guides. Two guidelines from the Metropolitan Centre Zone Design Guide that illustrate how both clarity and flexibility are achieved are described below, with my commentary in relation to this in the right hand column.

Street edge definition

O2.1 *Design objective*

To ensure buildings spatially define street edges in order to contribute to a high-quality public realm.	This objective, like all objectives in the guides, gives clarity on intent while leaving scope for various solutions open.

G2.1a *Guidelines*

Build to the street edge to establish and/or maintain continuity of street edge definition. *This includes maintaining the general continuity of massing and street frontage alignment at bends and corners. There may be potential for setbacks in some areas, such as vehicle-oriented areas and around institutions such as museums, educational institutions, libraries, halls, swimming pools, churches and other community and public facilities. However in such situations the quality of any frontage setback should be high and the space integrated with the public realm.*	While G2.1a gives clear direction on the baseline approach for development in this zone, it also explicitly identifies in the italicised text of the explanation the situations where flexibility is anticipated.

Bulk and form

O3.1 *Design objective*

To ensure new buildings fit into their site without visually dominating buildings, streets and spaces around.	

G3.1 *Guidelines*

Reduce the apparent bulk of conspicuously large buildings with modelling of building form and façade.	The first part of this guideline gives direction on how to achieve the objective. The explanation

This is particularly important when a building is much taller and/or much wider than those around.

Techniques that might be used include variation in form along the plan and/or around relevant elevations; introducing smaller and/or lower secondary building forms that achieve a scale transition particularly close to ground level. Changes of colour, texture and material may contribute to this effect, however will not be as successful as subdivision and variation of form.

A combination of projecting forms and setbacks can be effective, as well as secondary elements such as, for example, balconies, box or bay windows and expression of structural elements.

that follows is clear about some design techniques that might be used. It does not close off others that could be in accordance with the guideline and contribute to achieving the objective, therefore providing for flexibility in design.

Shading height controls HRZ and MRZ

20 Kāinga Ora seeks removal of all shading height controls (refer OS76.20 for HRZ and OS76.151, OS76.202, OS76.203, OS76.204, and OS76.206 for MRZ). Kāinga Ora seeks this change for the same six reasons as recorded in paragraph 15 above.

21 **Recommendation**

Reject these submissions.

22 **Reasons**

22.1 Sunlight exposure is necessary for passive solar design and important for residential amenity and comfort,[1] otherwise described as peoples' health and wellbeing. It also contributes to energy efficiency, and financial value. Providing for solar access is fundamental to competent planning of residential areas and to considered architectural

[1] For example, see McIndoe Urban *Indicators of Health & Wellbeing in the Built Environment*. Report for PCC, 20/08/2020

design for housing, and this is recognised in multiple guidance and policy documents including Kāinga Ora's own.

22.2 It is unclear how the proposed shading height controls preclude Kāinga Ora from carrying out its statutory obligations when those obligations include providing good quality housing, and when the intent and effect of the shading controls is to contribute to maintaining reasonable sunlight access on down-slope, south facing sites.

22.3 From an urban design perspective, analysis shows two things:

a. The broken and complex topography of many parts of Porirua City with steep slopes with various orientations to north; and
b. The serious shading compromises for downhill properties on steeply south-facing slopes and the dwellings on them.

Tall buildings on and immediately above such slopes may result in negative externalities in the form of significant loss of sunlight to existing properties which harms the health and wellbeing of people and the community in the affected areas. For these reasons and as described further in Urban Design Memo #20, narrowly targeted shading height controls are proposed.

22.4 Mapping of the lots to which the HVCA applies has followed reference to GIS plans and an interactive 3D model addressing all sites throughout the city in a robust multi-disciplinary assessment process. That is also described in Urban Design Memo #20.

22.5 The mapping of the HVCA and simple description of the implications for permitted height provides clarity for all plan users.

22.6 The controls are to the minimum extent required to be effective. On any site designated as a HVCA, permitted height is reduced as follows: in the HRZ from 22m to 16m; in the MRZ-RIP from 18m to 14m; and in the MRZ from 11m to 9m. The rationale is described in Urban Design Memo #20, section 4.4, 1 a-d – with my further emphasis added:

a. *These permitted heights allow a reasonable reduction of what can otherwise be seen to be significant shading on downhill dwellings, particularly relative to the shading experienced in the same zones on flat sites.*
b. *Significantly more shade will be cast on down-slope sites than on flat sites even if the permitted height is changed as recommended.*
c. *I do not consider a further restricted height is appropriate for the identified HVCA lots as other similar sites but with slopes just less than 15° do not have controls.*
d. *In this circumstance the worst situations are addressed in part. That is,* ***the reduced heights are recommended to mitigate the worst of effects on the worst affected lots rather than all shading effects on all lots****.*

Increased building height in MCZ to provide for 15 storey buildings

23 Kāinga Ora (OS76.29 and OS76.329) seek increased building height in the MCZ to 53m to more readily provide for 15 storey buildings. This is in the context of MCZ heights proposed to be 50m. Kāinga Ora identify this as being for the six reasons described in paragraph 15 above.

24 **Recommendation**

Accept the submission.

25 **Reasons**

25.1 A 53m height standard would allow for 11 upper commercial floors at a typical 4.2m floor to floor, plus ground floor and roof structures as identified above. This would therefore

allow an office building of 12 storeys with commercial/retail at ground. A typical high-rise residential floor to floor height of 3.3m results in the uppermost 14 residential floors requiring 46.2m. A height standard of 53m therefore allows for 15 storeys including 14 residential floors and a further 6.8m for a ground floor which is high enough to allow for commercial activity and for some roof top plant or roof structures.

25.2 Notwithstanding that it is unclear as to why a 15 storey primarily residential building should be preferred over a 14 storey primarily residential building in the MCZ, this change would further enable development albeit to a very minor degree and with very minor to negligible impact on urban amenity (visual dominance, wind and shading effects).

Front boundary setback in HRZ

26 Kāinga Ora (OS76.153) call for removal of the front boundary setback in the HRZ *"to enable buildings to be constructed to the front boundary."* The proposed front boundary setback in the HRZ is 1.5 metres where that boundary is to a road, otherwise it must be 1 metre. No reason for why this is considered desirable or necessary by Kāinga Ora is recorded in the Summary of Submissions.

27 To assist understanding of this request in the context of the rest of the zones, PCC's Variation 1 front boundary setbacks are:

- HRZ front boundary setback 1.5m, residential permitted at ground
- NCZ no frontage setback, residential not permitted at ground at the frontage
- LCZ no frontage setback, residential not permitted at ground where located along an identified primary frontage
- MUZ no frontage setback, residential permitted where reverse sensitivity effects on commercial activities are minimised, therefore could potentially be at ground.

- LFRZ no frontage setback, residential permitted above ground where located along an identified primary frontage.
- MCZ no frontage setback, residential not permitted at ground except for on the 'Bunnings Bank'

28 **Recommendation**

Reject the submission.

29 **Reasons**

29.1 A setback is desirable in all residential zones for the following reasons:

a. To contribute to privacy of ground floor residential units at the street edge and at the edge of any open space.
b. To allow for some planting or landscaping that will visually soften the development.
c. To reduce the visual dominance at the street edge of large and tall buildings in a residential zone.
d. Absence of setback is inconsistent with the street edge character envisaged for the residential zones which is different from that provided for in the centres zones.

29.2 These benefits are recognised by Kāinga Ora's own design documentation. Kāinga Ora identifies front yard landscaping (which is enabled by setbacks) contributes to outcomes such as softening hard surfaces, providing privacy to ground floor units and "help soften or reduce the bulk of large blocks when viewed from the street."[2] Furthermore the MDRS requires 1.5m a front yard for the identified development type of three units on one lot in residential zones.

[2] https://kaingaora.govt.nz/assets/Publications/Design-Guidelines/Part-1b_The-Built-Environment_2021-06-03.pdf Section 2.3.7 Front Yard Landscaping p57

29.3 The submission requests a frontage setback standard equivalent to that in the centres zones where it is envisaged that residential at street edges will be above ground. In addition to poor outcomes for the reasons identified above, residential at ground right at the street edge is typically not permitted in centres, LFR and mixed use zones. Therefore, the outcome sought by Kāinga Ora is not consistent with how street edge activation and residential privacy are addressed in the remainder of the district plan.

29.4 The importance of privacy, which setbacks in the HRZ provide for given that residential units are permitted at ground within this zone is signalled by the district plan:

a. The matters for consideration of an application not meeting this permitted activity standard listed in RESZ-P7 specifically anticipate privacy:

> *The separation from site boundaries and heights in respect to site boundaries, safeguards on-site and off-site privacy, mitigates visual dominance to adjacent sites, and ensures adequate access to sunlight and daylight;*

b. The RDG applies to the HRZ. C3 Visual Privacy (RDG) objective O3 and related guideline G3 address providing "*reasonable internal visual privacy for all units within a development*", and explains:

> *"Ground level rooms at the street side should have some level of privacy protection either through the use of building setbacks, the placement of landscaping elements and/or features between the street boundary and dwelling, or elevating the ground floor above the street boundary."*

Fencing standard

30 Various submitters seek changes to the fencing standard:

30.1 In addition to seeking an increase in the baseline height from 1.2m to 1.5m in all situations, Kāinga Ora (OS76.215) also

seeks that there may be provision for increased height to 2.0m on reserve boundaries "where the section above 1.5m is at least 50% visually permeable".

30.2 Nash Alexander (s88.5) submits that there is no sound reason why a homeowner whose property backs onto a reserve should be limited from ensuring safety and security all around their property and requests that a homeowner should be able to fence off their property at boundaries with public reserves to a maximum of 2m in height for safety and security reasons.

30.3 Retirement Villages Association of New Zealand (s118.107) oppose the fence height limit and request the standard is amended to allow higher fences where some permeability is provided.

30.4 Roger Gadd (s75.159) submits that the requirement for a 1.2m maximum height for fences adjoining a public reserve be deleted and the suitable height should be up to the owners. This is for reasons of assumptions about the privacy of the residents and users of the reserve, and the nature of the reserve.

31 **Recommendations**

31.1 Accept all of these submissions in part with additions to the standard as below to allow increased height solid fences and/or high visually permeable fences along boundaries with the street and reserves as described below:

All fences and standalone walls must not exceed a maximum height above ground level of:

a. 1.2m for the length of the site boundary where that boundary is located between the front of a principal building and a road, except that the height above ground level can be up to 2m for up to 30% of the length of the boundary with a road;

b. 1.2m where a site boundary adjoins a public reserve, vested to Porirua City Council under the Reserves Management Act~~; and~~ should the fence be close boarded/solid except that the height above ground level for such a fence can be up to 2m for up to 30% of the length of the boundary with the public reserve;
c. 2.0m where a site boundary adjoins a public reserve (as above) and for the length of the site boundary where that boundary is located between the front of a principal building and a road should the fence in its entirety be of open construction and not less than 75% visually permeable; and
d. 2m for all other site boundaries.

31.2 Reject that part of Kāinga Ora's submission OS76.215 that calls for increasing the baseline height of solid visually impermeable fences from 1.2m to 1.5m.

32 **Reasons** (in relation to the two aspects of fencing submitted on)

2.0m high, visually permeable fencing

32.1 The proposed changes to the standard will provide the homeowner choice; allow for visual privacy within a part of the adjoining residential lot; allow physical security and access control over the entire boundary; and at the same time will maintain suitable visual connection to and outlook over for amenity and safety in the public reserve.

32.2 A minimum of 75% visual permeability standard is recommended for the high fence with reference to, for example, the *Kāinga Ora Landscape Design Guide for State Housing* (page 39). This describes attractive and serviceable open aluminium fences with 19mm diameter vertical balusters 95mm apart to give 80% visual permeability. Setting the minimum at 75% permeability allows for slightly more design flexibility.

Baseline 1.2m height for fencing

32.3 Permitting 1.5m high solid fencing along the entire frontage would lead to potential visual monotony and visual dominance at the street edge, particularly for long frontages. This would impact on the attractiveness of the streetscape for street users, particularly as could be the case should such fences become the norm and a dominant feature along any street edge.

32.4 Unnecessarily high front fences compromise potential for passive surveillance of the public realm and in turn compromise perceived and actual safety. The relevance and importance of passive surveillance is established by New Zealand National urban design and crime prevention guidance and this supports low front fences. For example the NZ Ministry of Justice's *National Guidelines for Crime Prevention through Environmental Design in New Zealand* provide an overview of criminal psychology which informs the rationale for this:

THINK CRIMINAL

Crime and antisocial behaviour are more likely to occur if:

- *criminals can operate and travel to and from the location without fear of being seen*
- *criminals or their activity do not attract attention, or they are confident that no action will be taken*
- *the sides of a building and its surrounding spaces are not overlooked by surrounding users or passers-by*
- *buildings and spaces are not designed to allow surveillance 'outside' from 'inside' and vice versa.*[3]

32.5 The Ministry of Justice guidelines are clear and unequivocal about the importance of street edge conditions that promote visibility:

"*Surveillance and sightlines: see and be seen*

[3] Ministry of Justice, 2005, p19

- *Fencing, landscaping and streetscape features are designed to help visibility.*
- *Efforts are made to eliminate 'inactive' frontages and corners*."[4]

Under the title "Visibility/Sightlines/Concealment Reduction" they state[5]:

> *"Barriers (e.g. landscape features, fences and walls) along principal pedestrian and bicycle routes should be low or visually permeable (made of see through materials).*"

32.6 Safety including perceived safety is critical if people are to feel comfortable walking along streets, particularly after dark. While safety and walkability are core features of general neighbourhood amenity, walkability is also linked to well-being and population level health outcomes. The MfE's Value of Urban Design study found:

...quality spaces and routes enhance enjoyment and quality of life. Other research supports the converse claim: that activity is discouraged where there are poor footpaths and bad lighting, and a perceived lack of safety, both from accident and crime, and particularly for women and children. The importance of safety - both perceived and actual - is emphasised as a necessary condition if walking is to be encouraged. [6]

The same applies for the public reserves that people may walk through.

32.7 Kāinga Ora's submission on the baseline height of solid fences is also not consistent with their own published requirements for low and/or visually permeable front fences. For example:

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[4] Ministry of Justice (November 2005). *National Guidelines for Crime Prevention through Environmental Design in New Zealand*. Wellington: Ministry of Justice p.11

[5] Ministry of Justice, 2005, pp.16,17

[6] MfE, p28. This is based on evidence from Gharai (1999), Gehl (2001), and New Zealand research by Kjellstrom and Hill (2002) that cites the Hillary Commission.

a. In *Large Scale Projects Design Guidelines Module 1a: Design Principles and Review Process / 2021-06-03 V1,* Kāinga Ora identifies nine 'targeted outcomes for community". Two of these relate to fence height and this document also identifies that fencing should be low and maintain outlook to the street (see pages 10, 14, 17)[7]

b. Section 2.3.15 Fencing and Walls of Kāinga Ora's "Large-Scale Projects Design Guidelines Part 1, Module 1b: the Built Environment / 2021-06-03 V1 directs at page 69[8] that:

"Where fences are implemented on any boundary shared with public realm they are to be max 1.2m high"; and "Fences over 900mm high should be visually permeable across 50% of their face."

c. Kāinga Ora's "*Landscape Design Guide for State Housing*" Edition 1, 2020 defines that low-height screening fencing "*is generally used for fencing property boundaries that are adjacent to streets, shared driveways and public areas*", and specifies heights of 0.9-1.2m (page 36). It identifies 1.5m to be suitable for mid-height fences for screening service areas and to provide privacy for private outdoor courtyards (page 37).[9]

d. Kāinga Ora has guidelines for driveway fences[10]

To provide sight lines so drivers can see children, it is recommended that where the fence is alongside a drive

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[7] Refer: https://kaingaora.govt.nz/assets/Publications/Design-Guidelines/Part-1a_Design-Principles-and-Review-Process_2021-06-03.pdf Sourced 28 November 2022)

[8] https://kaingaora.govt.nz/assets/Publications/Design-Guidelines/Part-1b_The-Built-Environment_2021-06-03.pdf

[9] https://kaingaora.govt.nz/assets/Publications/Design-Guidelines/Landscape-Design-Guide-for-State-Housing.pdf Sourced 28 November 2022

[10] https://kaingaora.govt.nz/tenants-and-communities/our-neighbours/fences/ accessed 30 November 2022

or right of way, that the fence maintains sight lines to each side of the drive where it approaches the footpath.

Lowering the height to no more than 1.2 metres or using a see through fence style such as a pool fence, will decrease the risk to children from reversing cars.

Application of HVCA to MRZ zoned site at 35 Terrace Road, Titahi Bay

33 Claire and Brad Keenan (OS103.1) submit that their property at 35 Terrace Road Titahi Bay should not be considered as being a Height Variation Control Area (HVCA). They object to this and seeks additional information as to how this qualifying matter has been determined. The submitter asserts that an error has been made in the PCC calculations. Correspondence from surveyors Cuttriss Consultants Ltd is provided in support of this submission stating that [the property's] slope is neither south facing by definition, nor does it meet the 15 degree threshold (stated on page 4 of the Urban Design Memo).

34 **Recommendation**

Reject the submission.

35 **Reasons**

35.1 The submitters' site is included in the HVCA not because it is itself entirely a steeply south facing slope (as has been demonstrated by the Cuttriss Consultants Ltd survey drawing and PCC's own analysis) but primarily because it is at the top of a steeply south facing site. That notwithstanding, parts of 35 Terrace Road are steeply south-facing as defined in this methodology and these parts are illustrated below. Therefore, any tall and large building will in my opinion have downslope shading effects that should be mitigated by application of the HNCA to the site.

35.2 The rationale for selecting HVCA is identified in Section 2.4 of Urban Design Memo #20 'Factors relevant to identifying any

HVCA' (pp 5,6) with eight considerations, one of these being 2.4.4:

"*The area immediately at the top of the slope is as important as on the slope itself. That is because high development close to the boundary there would shade areas below to the same extent as if the site is sloping (refer to figures 3-5).*"

A combination of parts of edges of 35 Terrace Road being at 15 degrees south facing and the fact that it is at the top of an area characterised by south facing slopes means that it was identified as qualifying for the HVCA. To illustrate this, the 1m site contours relating to the site and sourced from PCC's database are described in Figure 1 below and the type of GIS-based drawings used to determine qualification as a HVCA are illustrated in figures 2 and 3.

Figure 1 Site overlaid on 1m contours (from PCC GIS database)

Figure 2: Plan with solid blue indicating south-facing 15 degree slope (from PCC's GIS database)

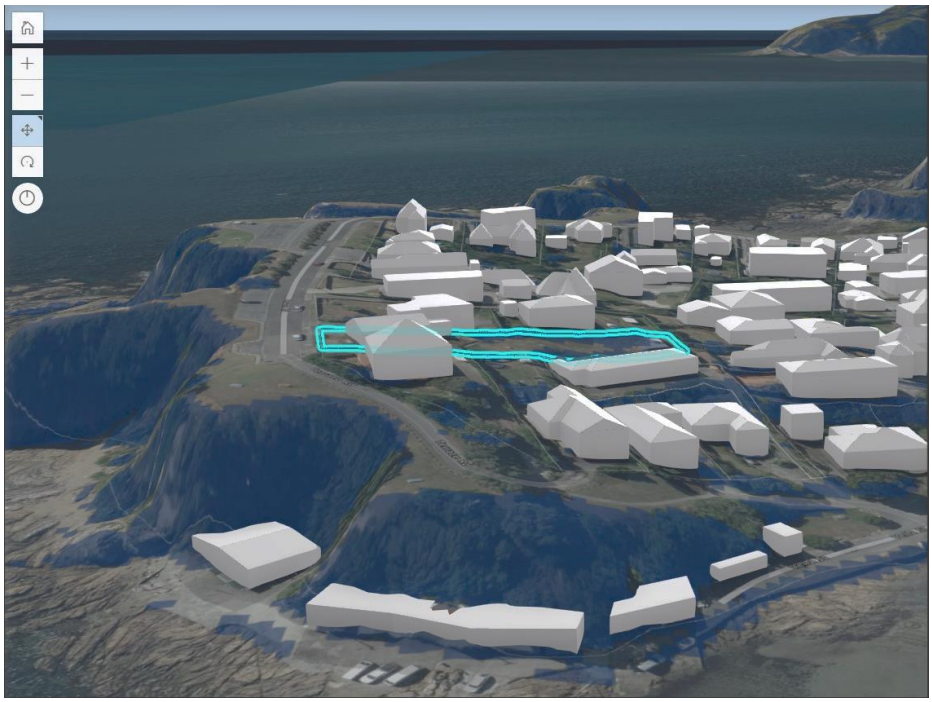

Figure 3: Screenshot of 3D view with existing building forms that was used to inform decisions on extent of HVCA. This also overlays south facing slopes in blue tone.

35.3 The impact of slope on shading effects is diagrammed in figure 4 below which has been extracted from Urban Design Memo #20. This and other similar diagrams all have a note identifying

"slope at top of hill flat **or** 15°" (with my emphasis added). This demonstrates that even if the site at the top of the slope were to be flat (and 35 Terrace Road is not), building on it will contribute to excessive down-slope shading.

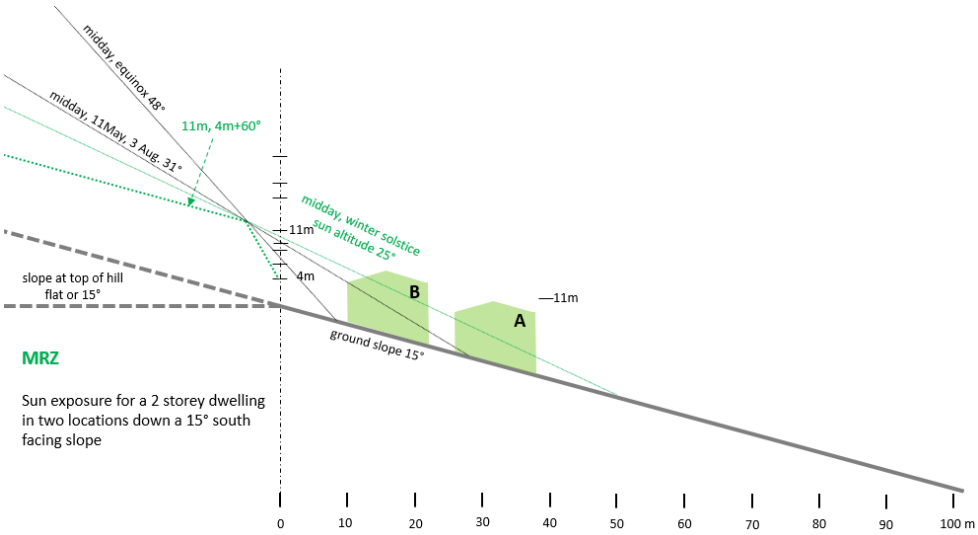

Figure 4 Testing shading effects of a two-storey house down the slope with north wall 26m from the boundary (A) and 10m from the boundary (B). [Figure 6 from Urban Design Memo #20]

35.4 Furthermore, as noted in Urban Design Memo #20, at Section 2.4.8:

"Assessment aims for consistency of interpretation and, at the margins, decisions are made in favour of enabling development."

With this in mind, to accept this submission would lead to a situation where contrary to the intent of the HVCA, mid-winter sun across the site boundary could be unduly restricted. Acceptance of the submission in this situation would also introduce an inconsistency of interpretation when considered along with all other similar sites and situations. This is a site where the potential for such adverse shading effects is considered to be clear, so neither is it 'at the margins' as referred to above.

Active frontage submissions

36 A number of submitters oppose the application of Active Street Frontage primary frontage controls. These and their submissions are discussed in turn below. For ease of reference, the frontage controls are:

LCZ-S4 Active street frontages
1. Along building lines identified on the planning maps all buildings must be built up to and oriented towards the identified building line and provide a veranda that:

a. *Extends along the entire length of the building frontage;*
b. *Provides continuous shelter with any adjoining veranda; and*
c. *Has a minimum setback of 500mm from any kerb face.*

2. For sites with primary street-facing façade controls identified on the planning maps:

a. *At least 55% of the ground floor building frontage must be display windows or transparent glazing; and*
b. *The principal public entrance to the building must be located on the front boundary.*

3. For sites with secondary street-facing façade controls identified on the planning maps:

a. At *least 35% of the ground floor building frontage for non-residential activities must be display windows or transparent glazing.*

Matters of discretion are restricted to:

1. *The amenity and quality of the streetscape;*
2. *The ability to reuse and adapt the building for a variety of activities; and*
3. *Consistency with the Local Centre Zone Design Guide.*

Z Energy Limited (PDP S92.3) Z MANA - 143 Mana Esplanade, Mana

37 Z Energy Limited oppose the application of the Active Street Frontage – Primary Frontage Control to this site. They submit it is inappropriate to apply an active street frontage to this site. They identify that the site supports a vehicle orientated activity, is located on a major arterial route and at the edge of the local commercial centre where there is no material benefit to the provision of an active road frontage. Buildings on site are of limited scale, the forecourt is open in nature and provides a degree of visual interest to passers-by, and the open nature of the forecourt helps to achieve passive surveillance outcomes.

38 FS17.8 (Name withheld for privacy reasons) opposes OS92.3, submitting that specific exemption for this one particular property is unwarranted as the operation has no particular attributes that differ from similar operations elsewhere.

39 **Recommendation**

Accept the Z Energy Limited submission in part and reject FS17.8. Reject that part of OS92.3 that calls for removal of primary frontage from 143 Mana Esplanade and change the definition of Primary Frontage in the plan as follows to respond to the issue raised by the submission:

2. For sites with primary street-facing façade controls identified on the planning maps:
a. At least 55% of the ground floor building frontage must be display windows or transparent glazing; and
b. The principal public entrance to the building must be located ~~on~~ facing the front boundary.

40 **Reasons**

40.1 In this situation where the frontages may be set back from the edge but remain prominent, I consider it appropriate that a certain minimum amount of glazing is required and that the 55% identified in the standard is appropriate.

40.2 There is no building line requirement identified on the planning maps. However, LCZ-S4 Active Street frontages, 2. b as currently expressed puts a de facto building line in place at the street edge. That is not required and should not be required for primary frontages, unless a building line is also identified on the planning maps for that frontage.

40.3 That building line is unnecessary in this particular situation to achieve the related policy LCZ-P6 Public Interface:

Provide for development that:

...

3. Where located along an active street frontage identified on the planning maps, creates a positive interface with the public space and contributes to well defined open spaces through:

- *a. Buildings that are oriented towards the front boundary of the site;*
- *b. A veranda or other form of shelter for pedestrians;*
- *c. Transparent glazing on the ground floor that allows visibility into and out of commercial frontages and reflects whether it is a primary or secondary frontage; and*
- *d. An obvious public entrance; and*

4. *Is consistent with the Local Centre Zone Design Guide contained in APP7-Local Centre Zone Design Guide.*

40.4 The application of the standard as currently expressed is also inconsistent with our analysis and advice for frontages at this site. We found that at Mana North "*discrete commercial developments have created a series of loosely aligned frontages along Mana Esplanade.... few buildings are accessed directly from the esplanade. Instead, they are approached via side roads, car parks and an elaborate on-site circulation system.... In this context, an ASF standard would impose an unnecessary constraint on future comprehensive redevelopment."* Our recommendation following site visit and analysis is shown in Figure 5. The blue line in Figure 5 is "Primary Frontage control" rather than "Primary frontage and building line".

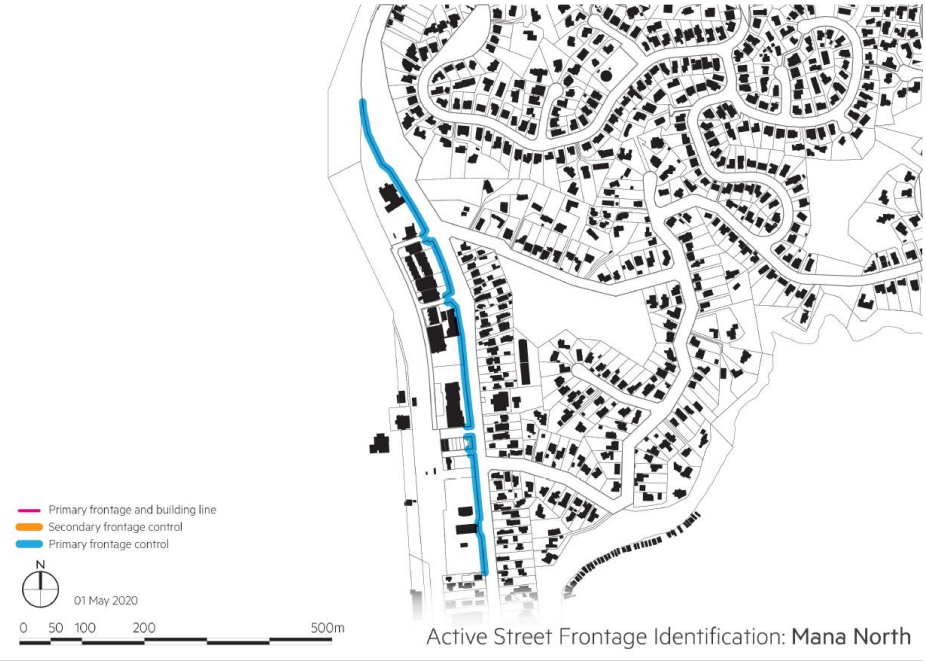

Figure 5 Extract from MUL report: Urban Design Advice on Rules and Standards (Part 3) 11 August 2020, page 15).

40.5 We also made our definition of a primary frontage in advice to PCC in a document "Frontages: City Centre Zone and Large Format Retail Zone"on 1 May 2020[11]):

Primary Frontage
A 'primary frontage' is any street edge that is visually prominent and where a reasonable degree of street edge activation with entrances and display windows is required. A primary frontage may or may not be associated with an identified building line.

Secondary Frontage
'Secondary frontages' are identified for less prominent street edges and in situations where a lesser degree of street edge activation is acceptable.

Building line
A 'building line', as identified by the District Plan, identifies precisely where the building frontage is required to be built. This will generally be at the street edge or as otherwise identified on a plan.

[11] This is also recorded in our 11Aug2020 compendium report for Porirua City Council on frontages: *Urban Design Advice on Rules and Standards (Part 3)*.

40.6 To require that the front entry is built at the front boundary is inappropriate for this site, for the type of development here and in other zones with vehicle oriented retail, and is inconsistent with the character of its neighbourhood. It is also unnecessary and inappropriate as a standard in other situations where a primary frontage is identified such as at Whitby Town Centre (Refer s122.44: Foodstuffs North Island Limited New World Whitby (69A Discovery Drive*),* and also in other centres zones, the LFRZ and MUZ.

Foodstuffs North Island Limited (PDP S122.44) New World Whitby (69A Discovery Drive)

41 The submission is to retain Local Centre zoning as notified and remove Active Street Frontage - Primary frontage and building line control for this site.

42 **Recommendation**

Accept the submission in part:

a. Apply Primary frontage control only but with no building line control;
b. Change the definition of Primary frontage in the plan (as described in recommended response to *Z Energy Limited Z MANA - 143 Mana Esplanade, Mana (s92.3)*; and
c. Maintain Primary frontage control to the Section of 69A Discovery Drive that fronts/connects to the short stub of entry road in from Discovery Drive and that is on an east-west alignment as is shown below in the extract from the proposed plan (Figure 6) but with removal of Primary frontage control from across the access to the Open Space Zone.

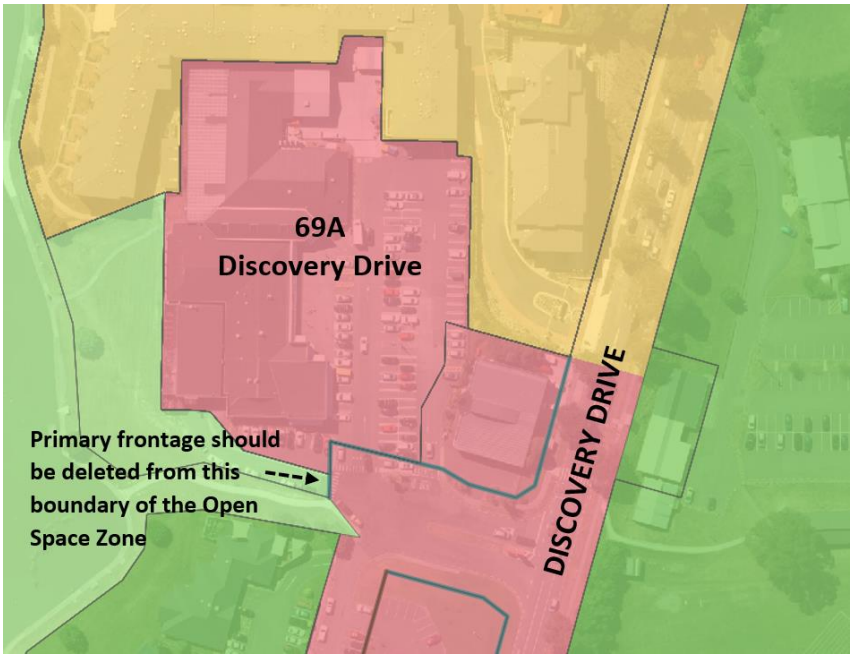

Figure 6 Extract from Variation 1 Proposed District Plan online planning map with my notes added. The grey green line is the extent of Primary Frontage

Figure 7 Extract from MUL report: Urban Design Advice on Rules and Standards (Part 3). (11 August 2020, page 17). We did not identify building line control being required here.

43 **Reasons**

43.1 From our site analysis I do not consider a building line requirement appropriate here, nor that for a primary frontage which in my opinion remains relevant to this edge as shown in Figure 7, that the principal public entrance should be located on the site boundary as currently required by the ASF standard. Locating the entrance at the boundary

as currently required by the Proposed Plan is impracticable for reasons of existing centre planning, topography and development type, and offers no benefit in this particular situation.

43.2 We recommended in our Urban Design Memo 7 that ASF standards not be introduced to the Local Centre Zone at Whitby. The rationale for that was:

Whitby Local Centre broadly matches the "strip mall" pattern. Its main retail frontage is set well back from the nearest street. Elsewhere, a cluster of free-standing commercial buildings focus on an access road and associated car parks. Unlike Mana North, Whitby is the product of a privately sponsored master-planned development known as Whitby Shopping Village. The result is a successful pedestrian environment, where function, character and amenity are integrated and centrally managed. Under these circumstances, the existing retail frontage is likely to remain intact unless comprehensive redevelopment occurs.

Subsequently as the work advanced, on 11 August 2020 we advised that the edge of part of the site be defined as a primary frontage as shown in Figure 7. This did not include a building line recommendation.

43.3 Identification of primary frontage standards to a small part of the boundary of the Open Space Zone close to the entry to 69A Discovery Drive is a graphic error and should be deleted.

Harvey Norman Properties (N.Z.) Limited (PDP S144.4) Secondary Frontage Control at 5 John Seddon Drive

44 Harvey Norman Properties (N.Z.) Limited seeks removal of the Secondary Frontage Control from 5 John Seddon Drive. This is because the proposed Secondary Frontage Control has been applied to the southern boundary of the site, which adjoins a private driveway belonging to the neighbouring property. Harvey Norman Properties does not consider this control appropriate as this frontage is not a public road.

45 The 5 John Seddon Drive site (figure 8) and my city-centre wide analysis including the proposed LFRZ which informs this recommendation (figure 9) are shown below:

Figure 8: 5 John Seddon Drive is identified with a yellow dashed line above, and the identified Secondary frontage control can be seen with the brown line in this screenshot from the PDP.

Figure 9: Diagram above from my 1 May 2020 centre-wide urban design recommendations to PCC on frontages. The location of the 5 John Seddon Drive site is overlaid with a yellow dashed line.

46 **Recommendation**

Reject the submission.

47 **Reasons**

47.1 The site and this accessway are in the Large Format Retail Zone which attracts members of the public for retail purposes, and therefore control along the identified edge is important for purpose of both a degree of visual amenity and to allow informal surveillance for enhanced public safety and security.

47.2 While the frontage may be to a private road, it is also the means by which public access is provided to the site and through the zone.

47.3 The current edge condition is sub-optimal, and not consistent with what should be permitted should redevelopment occur. That is, development is internalised in many areas and service and parking edges are presented to streets and spaces which are intended for public access. Therefore, the recommended secondary frontage control, which is not onerous in recognition of the relatively internalised nature of this site, aims to over time remedy that condition.

Graeme McIndoe
8 February 2023