

**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

**Variation 1 to the Porirua Proposed District Plan and Plan Change 19 to the
Operative District Plan– Michael David Rachlin on behalf of Porirua City
Council**

Date: 28th April 2023

INTRODUCTION:

1 My full name is Michael David Rachlin. I am employed as a Principal Policy Planner for Porirua City Council.

2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report – Overarching, Section 42A Report - Residential Zones, Planning Maps, and General Topics, and Section 42A Report - Commercial Zones and General Industrial Zone.

3 I have prepared this Council reply on behalf of the Porirua City Council (**Council**) in respect of matters raised through Hearing Stream 7.

4 Specifically, this statement of evidence relates to:

- Questions contained in Minute 60 and Minute 62;
- Matters I identified during my oral presentation requiring further consideration; and
- How sections 77G to 77R are to be applied within the scheme of the RMA.

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

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

6 Appendix C of my section 42A reports set out my qualifications and experience.

7 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

SCOPE OF REPLY

- 8 This reply follows Hearing Stream 7. Minute 60 of the Hearing Procedures allows for s42A report authors to submit a written reply by 28th April 2023.
- 9 Appendix 2 to Mr McDonnell's Right of Reply has a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the PDP Hearings Portal.
- 10 The appendices attached to this Right of Reply are as follows:
- Appendix 1 - recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the s42A report.
 - Appendix 2 - recommended amendments to the PDP planning map.
 - Appendix 3 – recommended amendments to the PDP design guides
 - Appendix 4 – walking catchment maps for Takapūwāhia/Elsdon
 - Appendix 5 – response to Question 69(b)
 - Appendix 6 – slope gradient diagrams for 35 Terrace Road
 - Appendix 7 – Porirua Variation 1 Hearings – Response to Panel Question Memorandum (Property Economics, April 2023).
 - Appendix 8 - updated table of recommended responses to submissions and further submissions, with updated

recommendations differentiated from those made in Appendix B of the s42A report.

- 11 For ease of reference, I have shown any changes proposed through this right of reply and appendices as follows:

s42A Report	deletions / <u>insertions</u>
Statement of supplementary planning evidence	deletions / <u>insertions</u>
Right of Reply version	deletions / <u>insertions</u>

Answers to questions posed by the Panel and matters raised in oral presentation

RESZ – General Objectives and Policies for all Residential Zones

- 12 **RESZ-P1:** This policy is required to be incorporated into the PDP by section 77(G)(1) to the RMA. The Hearing Panel questioned whether it could be amended to apply to “zones” rather than “zone” as a minor amendment under clause 16(2) to Schedule 1 of the RMA. This would amend it from, “Enable a variety of housing types with a mix of densities within the zone...” to “Enable a variety of housing types with a mix of densities within the zones~~s~~...”.
- 13 In my oral response I considered this was not necessary since the structure of the policy makes it clear that it is to apply to all relevant residential zones. I continue to hold this view and would not recommend that it be changed. However, if the panel did wish to amend it along these lines, then I consider it could be done under clause 16(2), as it would represent an alteration of minor effect. My recommended wording of the amended policy would be:

RESZ- Residential activity

P1

Enable a variety of housing types with a mix of densities within the zones, including 3-storey attached and detached dwellings, and low-rise apartments.

Question 20: Please comment on an alternative term to 'safeguard' to better capture the intention in relation to residential privacy in RESZ-P7.

14 **RESZ-P7:** In response to question 20 I consider that this policy should be amended (noting that I also addressed this in my written response to the Panel's interim questions). I have listened to subsequent submitters since my initial response and my opinion remains the same.

14.1 At the hearing I agreed with the Chairman that "safeguard" amounted to an "avoid" policy and this was not the intent. As discussed below, the intent is to require a careful assessment of breaches of the density standards given that they result in a development "stepping outside" of the planned urban built environment and as such the anticipated effects on adjacent properties.

14.2 The density standards have been set to achieve the planned urban built environment for their respective zones/precinct (as set out in HRZ-O1, MRZ-O1, and MRZ-PREC02-O1). Breaches of these standards result in a development potentially¹ "stepping outside" of the planned urban built environment and the anticipated effects on adjacent properties. As such, I consider that these need to be subject

¹ For building heights, the planned urban built environment for each residential zone or precincts contemplates that taller buildings may be appropriate.

to careful consideration through a resource consent process. I consider that the appropriate requirement is that breaches of set-back and height in relation to boundary density standards should minimise their effects on privacy.

14.3 I have shown my recommended changes below. I consider that scope for these changes is provided by the following submission points; Kāinga Ora [OS76.107] and Kāinga Ora [OS76.59]. OS76.107 sought changes to RESZ-P7 to remove the term “safeguard”, as well as a number of other changes. OS76.59 seeks any consequential changes necessary to give effect to the changes sought in the submitter’s other submission points.

Recommended Changes

- a. **Amend** the RESZ-P7 as set out below and in Appendix 1.

RESZ-P7	Health and well-being – Development not meeting permitted activity standards
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Provide for buildings and structures that do not meet the permitted activity standards where it can be demonstrated, as relevant and having regard to the planned urban built environment for the zone or precinct, that:

1. The separation from site boundaries and heights in respect to site boundaries safeguards^{2,3} minimises^{4,5} on-site and off-site privacy effects^{6,7}, mitigates visual dominance to adjacent sites, and ensures adequate access to sunlight and daylight;

[.....]

² Kāinga Ora [OS76.107]

³ Kāinga Ora [OS76.59]

⁴ Ibid

⁵ Ibid

⁶ Ibid

⁷ Ibid

S32AA evaluation

15 The amendment removes an unintended “avoid” policy and is considered to be more appropriate in achieving the objectives of the PDP than the reference to “safeguards”, as included in the notified version of RESZ-P7. I consider that:

- The recommended amendment will better achieve RESZ-O3 which seeks the efficient use of residential land and a healthy and safe built environment. This is to be achieved in a way that is consistent with the planned urban built environment for the zone or precinct, thereby recognising that built environments will undergo change and transition to more intensive urban environments.
- The use of an “avoid” policy would not appropriately achieve clause 4 to Schedule 3A to the RMA, which requires that a breach of a density standard is assessed as a restricted discretionary activity.

Question 21: Please advise possible redrafting of RESZ-P10 to exclude activities (e.g. retirement villages) not intended to be the subject of the policy

16 **RESZ-P10:** I re-confirm the assessment and recommendation made in my response to interim questions dated 20th March. I believe that a Note, as set out in that written response, adequately addresses the concerns raised.

17 During my oral presentation, the Hearing Panel questioned whether this policy would benefit from being amended to reference the “design objectives” of the Residential Design Guide to provide greater clarity and specificity in the policy. Both Mr McIndoe and I agreed with this. There was also a discussion on the appropriateness of the use of the term “consistent” in the policy. I confirmed in my oral evidence that I

remained comfortable with this wording but would give the matter further consideration.

- 18 Subsequent to the above, the Hearing Panel also requested that Ms Williams (planning witness for Kāinga Ora) provide wording for the policy to address Kāinga Ora’s concern with the use of the term, “consistent”. This policy was to assume that the design guide would remain in the PDP, without prejudice to the submitter’s request for all design guides to be removed from the PDP. Ms Williams provided this response on the 22nd March 2023. Ms Williams recommended wording is set out below:

~~Provide for more than three residential units on a site where it can be demonstrated that the development is consistent with the Residential Design Guide as contained in APP3 – Residential Design Guide.~~

Provide for residential intensification of a site where it can be demonstrated the development achieves positive urban and living environments, as outlined by the Design Objectives contained in the Residential Design Guide, taking into consideration the planned urban form of the zone.

- 19 In my opinion, the notified wording (subject to including a reference to “design objectives”) is simpler and clearer than Ms William’s wording. The threshold simply requires the development to be consistent with the design guide, the intention being that a development that is consistent in this way achieves a healthy and safe built environment as required by RESZ-O3. In other words, the test starts and ends with the design objectives, and does not require any further assessment.

- 20 The alternative, offered in Ms William’s wording, contains the following tests:

- To demonstrate achieving “positive urban and living environments”; including

- Consideration of the design objectives and taking into account the planned urban form of the zone.

21 In my opinion, this opens up scope for the consent authority beyond that provided by the notified wording and a degree of uncertainty for applicants over the issue of what “achieves positive urban and living environments” will mean on a case by case basis. While there is reference to the design objectives contained in the Design Guide, the wording provides for them only as a matter to consider. In my opinion, this creates an ability for the consent authority to interpret the policy more broadly than the notified policy.

22 During my oral presentation I confirmed my opinion that the use of “consistent” was an appropriate and easily understood threshold. I referenced section 75 to the RMA which uses a similar test whereby district plans must not be inconsistent with a regional plan⁸. This allows for an overall assessment approach against the components of the design guide, rather than a requirement to implement each and every aspect of the design guide.

23 As I set out earlier, I agree that the policy should be amended to reference “design objectives” to provide greater clarity and direction; namely that it is the design objectives in the design guide that consistency is required with. This was the intent of the policy, and inclusion of the Residential Design Guide, and is addressed in the interpretation section of the Design Guide where it states:

Only design objectives and guidelines that are relevant to the specific site, setting and development type should be applied.

⁸ S75(4)(b)

- 24 In my view, the ‘lifting’ of this wording into the policy will provide greater clarity to applicants and decision makers as to the approach to considering / assessing the Design Guide.
- 25 I have shown my recommended changes below. I consider that scope for these changes is provided by the following submission points; Kāinga Ora [OS76.111] and Kāinga Ora [OS76.59]. OS76.111 sought changes to RESZ-P10 to reference the design objectives of the Residential Design Guide, as well as deletion of the design guide from the PDP. OS76.59 seeks any consequential changes necessary to give effect to the changes sought in the submitter’s other submission points.
- 26 The RVA [OS118.73] sought amendment to the policy to ensure that the Residential Design Guide did not apply to retirement villages. I consider that the extension of the Note to supported residential care activity and papakāinga could be made under clause 99(2)(b) to Schedule 1 of the RMA.

Recommended Changes

- a. **Amend** the RESZ-P10 as set out below and in Appendix 1.

RESZ-P10 Urban built environment – Development not meeting permitted activity standard for number of residential units on a site

Provide for more than three residential units on a site where it can be demonstrated that the development is consistent with the [design objectives of the^{9,10} Residential Design Guide](#) as contained in APP3 - Residential Design Guide.

[Note: This policy does not apply to retirement villages, supported residential care activity, and papakāinga¹¹.](#)

⁹ Kāinga Ora [OS76.111]

¹⁰ Kāinga Ora [OS76.59]

¹¹ RVA [OS118.73]

S32AA evaluation

27 I do not consider that a s32AA evaluation is required over and above the assessment already provided. The amendment simply “lifts” the requirement from the Residential Design Guide into RESZ-P10 and in so doing makes the policy intent clearer.

Question 22: Please advise possible redrafting of RESZ-P11 to clarify the scale of effects targeted/ the extent of mitigation required.

28 **RESZ-P11:** In response to this question, I re-confirm the assessment and recommendation made in my written response to interim questions dated 20th March.

29 In that response, I noted that as RESZ-O2 anticipates, “..... *other activities that support the health, safety and wellbeing of people and communities, where these are compatible with the planned urban built environment and amenity values of the zone*”, it is appropriate to manage significant adverse effects only. I also consider that the qualifier, “adequately” in clause 2 should be included in clause 3, to identify the extent of management required for these effects.

30 I consider that scope for these changes is provided by the following submission points; Kāinga Ora [OS76.112] and Kāinga Ora [OS76.59]. OS76.112 sought changes to RESZ-P11, including to delete clauses 2 and 3. OS76.59 seeks any consequential changes necessary to give effect to the changes sought in the submitter’s other submission points. Amending clauses 2 and 3 to manage only significant adverse effects and to include a qualifier for the degree of mitigation required is within the scope created by these submissions.

Recommended Changes

- a. **Amend** the RESZ-P11 as set out below and in Appendix 1.

RESZ-P11	RESZ-P11 Non-residential activities
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Provide for non-residential activities that contribute to the health and wellbeing of people and communities where:

1. These are compatible with the planned urban built environment ~~and amenity of the area~~¹²;
2. Any significant^{13,14} adverse effects on the amenity values of adjoining sites can be adequately mitigated, including from the location and scale of utility and external storage areas;
3. These do not result in significant^{15,16} adverse effects on the amenity values of adjoining sites from the movement of people and vehicles associated with the activity which cannot be adequately^{17,18} mitigated;
4. The hours of operation are compatible with residential amenity values; and
5. For Emergency Service Facilities, the activity has an operational need or functional need to locate in the zone.

S32AA evaluation

- 31 I do not consider that a s32AA evaluation is required over and above the assessment already provided. The amendments better achieve RESZ-O3 and provide improved clarity and policy direction for non-residential activities.
- 32 **RESZ-P13:** During my oral presentation and in response to questions from the Hearing Panel, I agreed that clause 3 to RESZ-P13 was not appropriate as it did not fit with the intended management regime for retirement villages. This was to manage the cross-boundary effects of retirement villages rather than internal amenity matters such as outdoor living space.
- 33 Clause 3 requires, *“On-site amenity, including outdoor living space, for residents is provided, which reflects the nature of and diverse needs of*

¹² Kāinga Ora [OS76.59]

¹³ Kāinga Ora [OS76.112]

¹⁴ Kāinga Ora [OS76.59]

¹⁵ Ibid

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Ibid

residents of the village;". This is a matter for the operators of the retirement village and is dependent on the needs of the residents. I do not consider it appropriate for the consent authority to manage or otherwise control this matter. As such I recommend that this clause be deleted.

- 34 I consider that scope for this change is provided by RVA [OS118.74, OS118.3]. OS118.74 seeks the replacement of the notified wording with new wording including to recognise that retirement developments have unique internal amenity needs, while OS118.3 seeks a clear and consistent regime for retirement villages.

Recommended Changes

- a. **Amend** RESZ-P13 as set out below and in Appendix 1.

RESZ-P13	Retirement villages
	<p>Provide for retirement villages where:</p> <ol style="list-style-type: none">1. Significant adverse effects on the residential amenity values of adjoining residential properties and the surrounding neighbourhood are avoided, <u>or where avoidance is not practicable, appropriately remedied or mitigated</u>¹⁹;2. Other adverse effects on residential amenity values are minimised, <u>remedied or mitigated</u>²⁰, including those from:<ol style="list-style-type: none">a. The movement of vehicles and people; andb. The layout of buildings, fencing, location and scale of utility areas and external storage areas;3. On-site amenity, including outdoor living space, for residents is provided, which reflects the nature of and diverse needs of residents of the village;²¹4. The site can accommodate the scale and intensity of the activity, in terms of its size, topography and location; and5. The overall scale, form, composition, and design of buildings does not compromise the planned urban built form of the zone or precinct they are located in.

¹⁹ Metlifecare Limited [OS85.2]

²⁰ Ibid

²¹ RVA [OS118.74, OS118.3]

S32AA evaluation

35 The change removes an unintended policy requirement relating to an internal amenity matter more appropriately managed by retirement village operators than the consent authority. I consider that:

- The recommended amendment will create a more efficient regulatory framework for retirement villages; and
- Removes the consent authority from seeking to manage an internal amenity matter for which they are not appropriately qualified.

Question 10: Does the relevant s42A author have any views regarding the residential policy permutations the panel discussed with Dr Mitchell?

36 In response to question 10 I re-confirm the assessment and recommendation made in my written response to interim questions dated 20th March.

HRZ-High Density Residential Zone

Question 23: Please advise whether the permitted activity threshold in HRZ should be a hybrid of residential units and number of buildings, to allow more than²² 3 residential units in one building (taking account of potential permutations in building ownership arrangements).

37 In response to question 23 I re-confirm the assessment and recommendation made in my written response to interim questions dated 20th March.

²² I have assumed this was intended to be “than”.

MRZ-Medium Density Residential Zone

Question 34: Please confirm recommendation re MRZ-O2²³- does the extent of mitigation required need to be quantified?

38 In response to question 34 I re-confirm the assessment and recommendations made in my written response to interim questions dated 20th March.

39 I consider that scope for these changes is provided by the following submission points; Kāinga Ora [OS76.169] and Kāinga Ora [OS76.59]. OS76.169 sought changes to MRZ-PREC02-O2, including to minimise adverse effects on amenity values of adjacent sites in the Medium Density Residential Zone. OS76.59 seeks any consequential changes necessary to give effect to the changes sought in the submitter's other submission points. Amending the objective to include a qualifier for the degree of mitigation required is within the scope created by these submissions.

Recommended Changes

- a. **Amend** MRZ-PREC02-O2 as set out below and in Appendix 1.

MRZ- PREC02- O2	Managing scale of development at MRZ - Residential Intensification Precinct Interface
<p>Use and dD²⁴ development within the MRZ-Residential Intensification Precinct is of a form, design and scale that <u>appropriately</u>²⁵ mitigates adverse effects on the health and well-</p>	

²³ As per my 20th March written response, I have assumed this is meant to be MRZ-PREC02-O2 (Managing scale of development at MRZ - Residential Intensification Precinct Interface) since there is no MRZ-O2.

²⁴ Kāinga Ora [OS76.169] (Officer's Report: Part B – Residential Zones, Planning Maps and General Topics)

²⁵ Kāinga Ora [OS76.169, OS76.59]

being of people residing in adjacent sites located outside of the Precinct.

S32AA evaluation

- 40 I do not consider that a s32AA evaluation is required over and above the assessment already provided. The amendment better describes the outcome at the interface between the Medium Density Zone and MRZ-Residential Intensification Precinct.
- 41 **MRZ-R9 (supported residential care activity):** During my oral presentation I indicated that for both MRZ-R9 and NCZ-R10 I was minded to increase the permitted threshold for residents from six to 10. Later in this Right of Reply I have addressed NCZ-R10 and recommended an increase to 10 instead of the current threshold of six residents excluding staff.
- 42 I consider it is appropriate to align the threshold for MRZ-R9 with that for NCZ-R10 given that the two zones are effectively contiguous. It also accounts for on-site staffing at these facilities which the notified threshold of six residents for MRZ-R9 does not provide for. I consider that the notified wording for MRZ-R9 creates an inefficient, overly restrictive regulatory threshold which does not address an effect.
- 43 Scope for this change is provided by Kāinga Ora [OS76.179] which sought an increase in the permitted threshold from six to 10.

Recommended Changes

- a. **Amend** MRZ-R9 as set out below and in Appendix 1.

MRZ-R9	Supported residential care activity
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1. Activity status: **Permitted**

Where:

- a. The maximum occupancy does not exceed ~~six~~ 10²⁶ residents.

S32AA evaluation

- 44 I do not consider that a s32AA evaluation is required over and above the assessment already provided. The amendment provides for a more efficient permitted activity threshold that appropriately manages the effects of this activity on the MRZ-Medium Density Residential Zone.

Questions 12, 13 and 67:

Please comment on Mr Gadd's suggestion that rule MRZ-R10 could usefully be clarified to the effect that the 40m² trigger is per residential unit on a site.

Is Mr Gadd correct that the effect of the exclusion of eaves in MRZ-S5 from the side yard setback is that eaves on 2 houses might be as close as 0.5m apart?

With reference to Mr Rachlin's confirmation that Mr Gadd's scenario of adjoining eaves separated by 0.5 metres is possible under the PDP Rules, is that a problem that he thinks the Plan should address? If so, what would he recommend?

- 45 In response to questions 12 and 13, I re-confirm the assessment and recommendations made in my written responses to interim questions dated 20th March.
- 46 In response to the follow up question 67 of Minute 60, I do not consider that the scenario described is a problem. Firstly, as I identified in my 20th March written response, the gap between eaves would be 0.8m (not 0.5m). The 0.5m separation is between gutters and downpipes. Also as identified in my 20th March written response, there would remain a 2 metre gap between the walls of buildings. In my opinion this level of spaciousness in the street scene is appropriate in a medium density built environment. The MRZ-Medium Density Residential Zone anticipates a

²⁶ Kāinga Ora [OS76.179]

range of detached, semi-detached, and terraced housing²⁷, as well as low rise apartment buildings.

Other matters relating to RESZ, HRZ and MRZ chapters

- 47 In response to question 9 of Minute 60, Counsel for PCC identified that there was scope to retain the introductory text to the MRZ-Medium Density Residential Zone and HRZ-High Density Residential Zone which currently identifies provisions that affect density standards, and which have immediate legal effect. Counsel also advised that if the Hearing Panel was minded to retain this text, then it would need to be redrafted.
- 48 I have considered the matter further and would not recommend that the introductory text relating to provisions that affect density standards be retained. Once the plan is operative, these provisions form part of the Part 2 District Wide section of the Plan. The “How the District Plan Works” section of the PDP already advises that applicants need to look at rules and standards in both Part 2 District Wide and Part 3 Area Specific Matters to determine the activity status of a proposed development. Structuring of the PDP into these Part 2 District Wide and Part 3 Area Specific Matters components is required by the National Planning Standards²⁸.
- 49 Retaining the introductory text in the HRZ-High Density Residential Zone and MRZ-Medium Density Residential Zone might lead to applicants only looking at these specific district wide rules and standards, rather than all that might apply to an individual development. As I have mentioned above, the “How the District Plan Works” section of the PDP already provides guidance to applicants on these matters.

²⁷ Table 13 (Zone names and descriptions) to the National Planning Standards

²⁸ Mandatory directions in Part 4 to the National Planning Standards

50 Should the Hearing Panel be minded to retain the introductory text, then I would recommend that it be redrafted as follows:

This Chapter should be read alongside the following district-wide provisions which also restrict building heights and density in certain areas:

- NATC-R1
- CE-R8
- ECO-R5
- SASM-R4
- HH-R7
- HH-R8
- NFL-R3
- NFL-R4
- NFL-R7

Commercial Zones – Large Format Retail Zone

51 **LFRZ-S6:** During my oral presentation the Chair questioned whether the recommended amendment to this standard needed to be prefixed with “minimum” (ie minimum 1.8m high fence or landscaping). I agree that this is appropriate to avoid an unnecessary requirement that landscaping be retained at a height of 1.8m. In my opinion scope for this change is provided by Foodstuffs [122.21], which seeks that parking areas are adequately screened by a 1.8m high fence or 2m high landscaping.

Recommended Changes

- a. **Amend LFRZ-S6** as set out below and in Appendix 1.

LFRZ-S6	Screening and landscaping of parking areas
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<p>1. Any on-site parking area must be fully screened by a <u>minimum 1.8m high</u>²⁹ fence or landscaping from any directly adjoining site zoned High Density Residential Zone, Open Space Zone or Sport and Active Recreation Zone.</p> <p>2. At least 5% of any ground level parking area not contained within a building must be landscaped.</p> <p>3. Where a ground level parking area adjoins the street edge, a landscaping strip must be provided along the street edge, that extends at least 1.5m from the boundary with a road and comprise a mix of trees, shrubs and ground cover plants, without preventing the provision of an entry point.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Any adverse effects on the streetscape; and 2. The visual amenity of adjoining Residential or Open Space and Recreation sites including shading and loss of privacy
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S32AA evaluation

52 I do not consider that a s32AA evaluation is required over and above the assessment already provided. The amendment provides improved clarity to the standard.

Commercial Zones – Metropolitan Centre Zone

Question 41: Please confirm if any Regionally Significant Infrastructure is located in or sufficiently close to the MCZ to require that reverse sensitivity effects on that infrastructure to be addressed.

53 The Regionally Significant Infrastructure (RSI) located in, or sufficiently close to, the MCZ to require that reverse sensitivity effects on that infrastructure be addressed include the North Island Main Trunk railway line (NIMT), telecommunication infrastructure, and potentially Titahi Bay Road.

²⁹ Foodstuffs [122.21]

54 I also note that local authority water supply, wastewater and stormwater networks are also defined as RSI; however, I do not consider that there are any reverse sensitivity matters in relation to this infrastructure.

55 As identified on the PDP planning maps, the Noise Corridor extends 100 metres from the rail corridor as defined by the relevant designation. However, as discussed in Hearing Stream 4³⁰ the relevant rule (NOISE-R5) refers to activities '100m of the centre of a track that is part of the North Island Main Trunk railway line'. Consequently, I have used GWRC's GIS layer for the Metlink Kapiti Line to provide a proxy for the centre of the rail lines for the NIMT and applied a 100 metre buffer, which is presented in the map below. This provides a more accurate representation of the area in which NOISE-R5 would apply and shows that an area of roughly three hectares of the eastern side of the MCZ is within the noise corridor area.

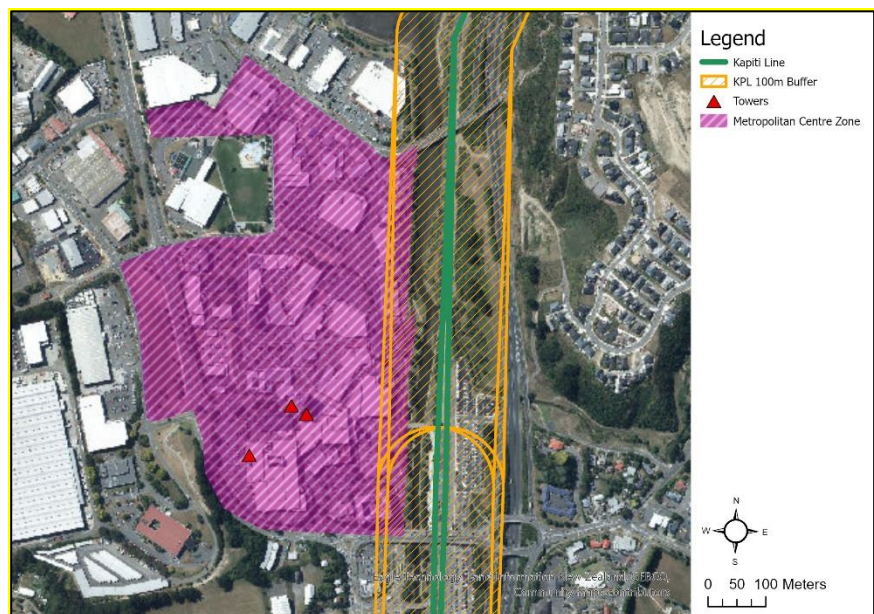


Figure 1 – Map showing RSI in the Metropolitan Centre Zone

³⁰ Mr Smeaton was the S42A reporting officer

56 The definition of RSI under the RPS includes strategic telecommunications facilities. In the PDP, the definition of RSI defines this more specifically as ‘facilities and structures necessary for the operation of telecommunications and radiocommunications networks operated by network utility operators.’ Based on available public information, I consider there are three cell phone towers within the MCZ. These are also identified in the map above.

57 I would also note that Proposed Change 1 to the RPS proposes changes to the definition of RSI. The revised definition includes specified local arterial routes, including Titahi Bay Road. Titahi Bay Road is adjacent to and partially within the extent of the MCZ.

58 In my opinion, it is unlikely that reverse sensitivity effects will arise to the above RSI as set out below:

North Island Main Trunk rail line and three-waters infrastructure

59 The NIMT is subject to noise corridor controls which will effectively manage reverse sensitivity effects under NOISE-R5.

60 Earlier I have stated my opinion that local authority water supply, wastewater and stormwater networks are not sensitive to reverse sensitivity effects. As such no further management is required in relation to this matter for them.

Strategic telecommunications facilities

61 In relation to the strategic telecommunications facilities, I note that in his Right of Reply³¹ dated 8th March 2021 for Hearing Stream 4, Mr

³¹ Council reply on Infrastructure, Three Waters, Renewable Electricity Generation, Transport, Earthworks, Noise, Light and Amateur Radio Rory Smeaton on behalf of Porirua City Council

Smeaton recommended that the following matter of discretion should be added for over height buildings in the zones:

Zone Chapters

All Zones

Rules
<p>Note: There may be a number of provisions that apply to an activity, building, structure or site. Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.</p> <p>Rules relating to subdivision, including minimum allotment sizes for each zone, are found in the Subdivision chapter.</p> <p>The INF – Infrastructure chapter contains objectives and policies relevant to activities in proximity of near regionally significant infrastructure.¹</p>

Insert the following matter of discretion into SPZ-S1, SETZ-S1, GRZ-S1, MRZ-S1, GIZ-S1, SARZ-S1, GRUZ-S1, RLZ-S1, OSZ-S1, NCZ-S1, LCZ-S1, FUZ-S1 and HOSZ-S1:

XYZ-S1	Height
1. All buildings and structures must not exceed a maximum height above ground level of [...]	<p>Matters of discretion are restricted to:</p> <p>1. [...]</p> <p>x. Any adverse effects, including reverse sensitivity effects, on the operation of telecommunication antennas operated by network utility operators that are within 30m of the proposed building or structure.²</p>

62 The above amendment did not include the City Centre Zone³² since the notified PDP provided for a breach of the height standard³³ in this zone as a discretionary activity.

63 Given the proposed 50m³⁴ height limit in the MCZ-Metropolitan Centre Zone and the lack of any development of taller buildings for over 30 years in this zone, I consider it highly unlikely that there will be a breach of this height limit which warrants additional controls by way of a matter of discretion as recommended by Mr Smeaton for the other zones. These

³² Changed to Metropolitan Centre Zone by Variation 1

³³ 30m (50m in Variation 1)

³⁴ I have recommended that this be increased to 53m in my Officer's Report: Part B – Residential Zones, Planning Maps and General Topics

other zones have lower height limits and as such a higher likelihood of over height buildings.

Titahi Bay Road

64 Should the RSI definition in Proposed Change 1 to the RPS be confirmed, it is my opinion that Titahi Bay Road would not be sensitive to reverse sensitivity effects.

65 Overall, I do not consider that the existence of the above identified RSI warrant retention of clause 4 to MCZ-P4 and I continue to recommend deletion of this clause as per my Officer's Report: Part B – Commercial and Mixed Use Zones and General Industrial Zone.

Commercial Zones – Neighbourhood Centre Zone

Question 58: Please comment on the logic in Ms Key's paragraph 7.1.2 for Foodstuffs, and her proposed rewording of NCZ-02?

66 I believe the changes sought by Ms Key are not necessary. The intention is that Neighbourhood Centres, due to their small scale and purpose, do reflect the planned urban built environment of the surrounding residential areas. These centres have a small footprint and spatial extent, and as such are effectively contiguous with their surrounding immediately adjoining neighbourhoods.

67 By extension, this includes those situations where the surrounding residential neighbourhood is within an HRZ-High Density Residential Zone or MRZ-Residential Intensification Precinct. Here the planned urban built environment includes taller buildings, and these are reflected in the variable height controls for the NCZ. The amended wording provided by Ms Key for NCZ-02 and in her suggested new policy, do not identify this since they only refer to locations within a walkable catchment of the Metropolitan Centre Zone and/or a train station.

However, the MRZ-Residential Intensification Precinct is determined by being within a walkable catchment of a Local Centre Zone.

68 Notwithstanding the above, I can find no submissions that provide scope for the changes sought by Ms Key in her statement of evidence, nor has she pointed to any submission points that would provide this scope.

69 **NCZ-O1:** During my oral presentation the Chair identified that the use of the term “immediate” in NCZ-O1 was grammatically incorrect and that it should be “immediately”. I agree and would recommend that this change be made under clause 16(2) to Schedule 1 of the RMA as a minor amendment since rectifies a grammatical error and does not change the meaning of the objective.

Recommended Changes

- a. **Amend** NCZ-O1 as set out below and in Appendix 1.

NCZ-O1	Purpose of the Neighbourhood Centre Zone
	<p>Neighbourhood Centres are small-scale commercial centres that:</p> <ol style="list-style-type: none">1. Service the day-to-day needs of immediate³⁵ surrounding residential neighbourhoods; and2. Accommodate a range of small-scale commercial and community activities as well as residential activities.

Question 38: Please confirm whether recommended trigger in NCZ-R10 6 or 10 residents in is supported residential care.

70 I re-confirm the assessment and recommendations made in my written responses to interim questions dated 20th March.

³⁵ Clause 16(2) to Schedule 1 of the RMA

Recommended Changes

- a. Amend NCZ-R10 as set out below and in Appendix 1.

NCZ-R10	Supported residential care activity
----------------	--

1. Activity status: **Permitted**

Where:

- a. The maximum occupancy does not exceed ~~six~~ 10 residents, ~~excluding staff~~³⁶.

S32AA evaluation

71 I do not consider that a s32AA evaluation is required over and above the assessment already provided. The amendment provides a more certain scale threshold than the notified version for neighbourhood centres.

Commercial Zones – Retirement villages

72 I have reviewed the policy framework for retirement villages in the commercial zones and note that MCZ-P4, MUZ-P4 and LCZ-P4 all require the following:

For any retirement village:

On-site amenity for residents is provided, which reflects the nature of and diverse needs of residents of the village.

73 As discussed earlier in relation to RESZ-P13, the PDP regulatory framework for retirement villages does not anticipate the consent authority determining what is appropriate on-site amenity for residents of these developments. This is a matter best left to the operators of the retirement villages. Consistent with RESZ-P13, I would recommend that

³⁶ Kāinga Ora [OS76.232]

the equivalent requirements in MCZ-P4 (clause 3), MUZ-P4 (clause 2a), and LCZ-P4 (clause 3a) be deleted.

74 Scope for these changes is provided by the RVA [OS118.115, OS118.118, OS118.121] submission which seeks the deletion of these policies and their replacement with new ones that reference the unique layout and internal amenity requirements of retirement villages.

Recommended Changes

a. **Amend** MCZ-P4-3, MUZ-P4-2a, and LCZ-P4-3a as shown in Appendix 1.

S32AA evaluation

75 The change removes unintended policy requirements relating to internal amenity matters more appropriately managed by retirement village operators than the consent authority. I consider that:

- The recommended amendments will create a more efficient regulatory framework for retirement villages; and
- Removes the consent authority from seeking to manage an internal amenity matter for which they are not appropriately qualified.

Pukerua Bay

76 In this section I respond to questions 52 and 56 in Minute 60, which raise two matters in relation to Pukerua Bay.

77 In response to question 52 I confirm that the Council's approach to residential zoning at Pukerua Bay defined a walkable catchment of nil

around the railway station. This is because the Council's approach to defining a "walkable catchment" was, in summary³⁷, based on:

- Identifying a range of amenities/physical resources that support a catchment within which increased population density is to be promoted by way of a High Density Residential Zone or MRZ-Residential Intensification Precinct. For example³⁸:
 - Train station
 - Proximity to the Metropolitan Centre Zone
 - Primary school
 - supermarket
 - Local park
 - Proximity to a Local Centre; and
- Mapping the walking distances from these amenities/physical resources and creating the boundary for the "walkable catchment" where they bisect³⁹.

78 As identified in my s42A report for Residential Zones, Planning Maps and General Topics and in the Section 32 Evaluation Report - Part A Overview to s32 Evaluation for Variation 1 and Plan Change 19 and Section 32 Evaluation Report - Part B Urban Intensification - MDRS and NPS-UD

³⁷ The approach is set out in more detail in 5.4 of the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation, 9.1.1 (zoning structure) of the Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3, and McIndoe Urban Design Memo 20.

³⁸ HRZ-High Density Residential Zone factors were train station and/or proximity to MCZ, supermarket, local park, and primary school. MRZ-Residential Intensification Precinct factors were proximity to a Local Centre, local park and primary school. Full details of the mapping methodology including the well-functioning urban environment factors (primary school, supermarket etc.) is contained in the McIndoe Urban - Urban Design Memo 20 which is on the Council's website as a supporting document, and which was also provided to the Hearing Panel.

³⁹ A set of 10 principles was applied to create logical zone/precinct boundaries and to address "buffering" effects of GIS mapping tools use to identify the walkable catchments. Full details are contained in the McIndoe Urban - Urban Design Memo 20 which is on the Council's website as a supporting document, and which was also provided to the Hearing Panel.

Policy 3, Pukerua Bay is not supported by a primary⁴⁰ well-functioning urban environment factor in the form of a supermarket.

79 The nearest supermarket is approximately 14km away in Mana. Given this distance it is highly likely that people will drive to this supermarket rather than travel by train and in so doing will not support a reduction in greenhouse gases⁴¹. By extension, this is also not genuinely accessible to those without access to a car.

80 Because of this, and the lack of other amenities and services in Pukerua Bay, the view was formed that a walkable catchment should not be defined for Pukerua Bay, as doing so would not achieve the objectives of the NPS-UD, for example Objective 8 in relation to supporting a reduction in greenhouse gases.

81 In response to question 56 regarding the small area of land occupied by the Waimāpihi Stream I would advise that the area of land in question forms part of the road reserve for Muri Road, with a small section also extending into the rail corridor for the North Island Main Trunk. As identified in the 2020 Section 32 Evaluation Report Part 1: Overview to s32 Evaluation⁴²:

The planning standards does not provide guidance on the zoning of road reserve. The general approach in the PDP was to predominantly map the adjacent zone to the centreline of the road. There were a few exceptions to this rule as follows:

- *Roads were predominantly mapped to the centreline with the adjacent zone, except for Open Space Zones and Sport and Active*

⁴⁰ See page 62 of the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation and McIndoe Urban Design Memo 20 which identify the primary well-functioning environment factors used in the Council's methodology.

⁴¹ Objective 8 and Policy 1(e) to the NPS-UD

⁴² See pages 12 and 13

Recreation Zone within residential zones. This was for consistency with the Operative District Plan where roads are mainly zoned for residential use within residential zones. The adjacent plan shows that the Sport and Active Recreation Zone applying to Mungavin Park does not extend into the road reserve.

82 Since the adjacent zoning is Medium Density Residential Zone, this is mapped to the centre line of Muri Road.

Planning maps – Proposed rezonings

83 In this section of the Right of Reply I address:

- Question 35 – Rezoning request for 17 Paremata Crescent
- Question 63 – Rezoning of the area of Large Format Retail Zone to the north of the city centre to Metropolitan Centre Zone
- Question 66 – Rezoning request for 10A The Track

84 **17 Paremata Crescent:** In my oral presentation I noted the alternative relief sought by Paremata Business Park to rezone their property at 17 Paremata Crescent from MRZ-Residential Intensification Precinct to Local Centre Zone. Question 35 to Minute 60 seeks my comments on this relief.

85 I have now had the opportunity of visiting the site and giving this matter further consideration. The site is shown below:

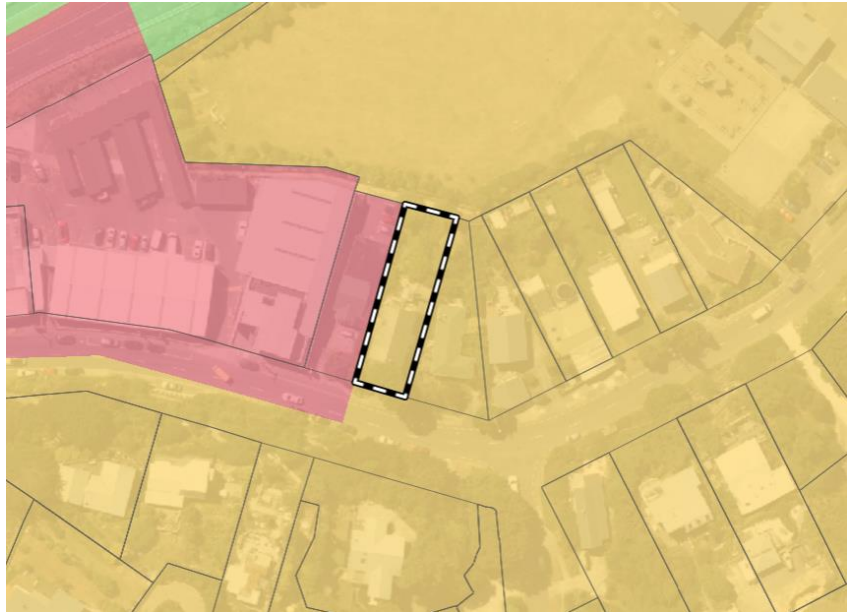


Figure 2 – Map showing 17 Paremata Crescent

- 86 The property consists of a two storey residential dwelling on a 574m² lot. The land to the west (15 Paremata Crescent) is a veterinary practise, housed in what appears to be a former single storey dwelling. To the east (19 Paremata Crescent) is a single storey residential dwelling. The house at 6 Paremata Crescent on the opposite side of road, sits 14m above road level, atop a bank that slopes steeply down to the carriageway.
- 87 Most of the site, in common with the surrounding land, is subject to the Coastal Hazard-Current Inundation overlay. APP10 – Natural Hazard Risk Assessment to the PDP identifies coastal hazard – current inundation as a high hazard. New buildings for hazard sensitive activities⁴³ are non-complying under CE-R18. New buildings for potentially-hazard sensitive activities⁴⁴ are a discretionary activity under CE-R14.

⁴³ This includes residential units, community facilities, educational facility and places of worship.

⁴⁴ This includes commercial activity.

88 Should the site be rezoned Local Centre, the permitted building height of 18m⁴⁵ would remain unchanged from the permitted building height of the site's current zoning as MRZ-Residential Intensification Precinct. However, most of this local centre including 15 Paremata Crescent are subject to a height variation control that enable buildings up 22m⁴⁶ since they are within a 800m walking distance from the Paremata train station. The subject site is also within this walking distance⁴⁷.

89 Other Local Centre Zone controls include:

- The MRZ height in relation to boundary standard⁴⁸ would apply to the boundary of 17 Paremata Crescent with the residential property at 19 Paremata Crescent.
- Buildings and structures on 17 Paremata Crescent would need to be setback 3m from the boundary with the residential property at 19 Paremata Crescent.

90 The above would appropriately manage cross-boundary effects between the extended LCZ at 17 Paremata Crescent and the property at 19 Paremata Crescent which would remain residentially zoned⁴⁹. In addition, enabling commercial activity at this site better reflects its risk profile in terms of coastal hazards.

91 The rezoning of this property does not raise any other substantive planning matter over and above those discussed above.

⁴⁵ LCZ-S1

⁴⁶ Height Increase A on the planning maps

⁴⁷ As identified in 9.2.1 to Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3, height variation controls to uplift permitted building heights to 22m were applied to sites that were mapped and identified as being within an 800m walking distance to a train station and/or edge of Metropolitan Centre Zone.

⁴⁸LCZ-S2 - 4m x 60°

⁴⁹ MRZ with a MRZ-Residential Intensification Precinct

92 In view of the above, I consider the most appropriate zoning for 17 Paremata Crescent is to include it within the adjacent Local Centre Zone. This will also require the extension of the primary frontage control which runs along Paremata Crescent to the subject site and making the site subject to height variation control, Height Increase A. I consider this to be the most appropriate zoning because:

- The enabling of commercial activity under the LCZ planning framework better reflects the site's coastal hazard risks than retaining it as MRZ;
- Topographically the site sits at the same level as the residentially zoned land to the east and is much lower than the residential land on the opposite side of the road. As such cross-boundary effects between this site and surrounding residential uses will be appropriately managed by LCZ planning framework; and
- The rezoning only involves a single 574m² property and as such is unlikely to result in any significant transport, urban design, or other effects, over and above those addressed above.

93 I have not undertaken a s32AA evaluation, over and above the above analysis.

Recommended Changes

- a. **Amend** the Planning Maps to rezone 17 Paremata Crescent as Local Centre Zone, extend primary frontage control across the frontage of the site with Paremata Crescent, and impose Height Increase A to the site, as shown below:

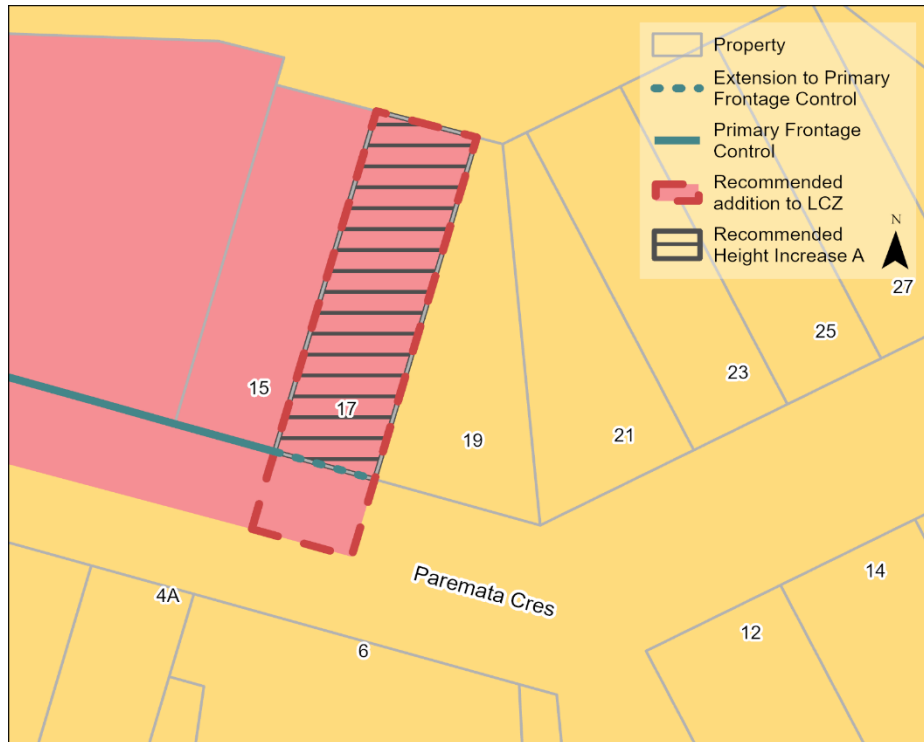


Figure 3 – Map showing proposed rezoning at 17 Paremata Crescent

94 **Large Format Retail Zone to north of city centre:** Question 63 seeks my response to two proposals:

- Rezoning of LFRZ to Metropolitan Centre Zone but subject to a 22m height limit for the area; and
- By extension, the rezoning of the residential area at Takapūwāhia to enable 22m buildings (I have assumed by way of High Density Residential Zoning) and if not undertaken as part of Variation 1, being accompanied by some form of acknowledgement in the Hearing Panel’s decision that full effect has not been given to the NPS-UD.

95 While I acknowledge that Kāinga Ora’s revised position, as articulated by their Counsel, maintains a similar “built envelope” as the notified Large Format Retail Zone, this does not address the question of what is the most appropriate zoning for this land.

- 96 I have previously identified in my Officer's Report: Part B – Residential Zones, Planning Maps and General Topics, and in my Speaking Notes - Rezoning of LFRZ at land to the north of the Metropolitan Centre Zone/associated extension of HRZ to Takapūwāhia, the significance of Te Awarua o Porirua to Ngāti Toa and Ngāti Toa's further submission opposing rezoning to City Centre Zone. As previously identified, this raises possible section 6(e) and section 8 RMA matters and I have not seen any evidence from Kāinga Ora addressing these matters. I also would note that objective 5 to the NPS-UD requires that, *Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)*. Again, Kāinga Ora did not address this in its evidence.
- 97 In the absence of this and any engagement with Ngāti Toa, in my opinion it is not possible to determine that MCZ-Metropolitan Centre Zone represents the most appropriate zoning for this land, regardless of recommended building heights.
- 98 This applies equally to the zoning of land at Takapūwāhia. I do not consider that a simple failure to enable 22m high buildings at this location results in the PDP having failed to implement the NPS-UD. The NPS-UD is more than the sum of Policy 3 and in my opinion consideration of the PDP, including Variation 1, does not start and end with sections 77G to 77R to the RMA. The PDP and Variation 1 must achieve the purpose of the Act, including but not solely, recognising the national significance of urban development. I also consider that recognition of the national significance of urban development requires achievement of all the objectives of the NPS-UD and is not to be conflated with Policy 3 or development capacity.
- 99 At paragraphs 177 to 209 I address the broader issue of how the NPS-UD and sections 77G to 77R to the RMA are to be implemented within the scheme of the RMA. In summary, however, I do not consider that sections 77G to 77R elevate recognising the national significance of urban development above section 6 matters of national importance or

achieving the purpose of the Act, including taking into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

100 The above is relevant to consideration of what is the most appropriate zoning and associated plan provisions for Takapūwāhia given its significance to Ngāti Toa. Again, I have not seen any evidence from Kāinga Ora addressing these matters nor whether or how they have engaged with Ngāti Toa.

101 In my speaking note referenced above, I acknowledged that Ngāti Toa have had the ability to submit on the PDP and Variation 1 on these rezonings, but I was also mindful that this ability may have been limited by their involvement in a number of resource management processes across the Wellington region that are progressing at the same time as Variation 1.

102 In view of the above, I do not change my recommendation that the rezoning of the area from LFRZ to MCZ be rejected. I also do not consider it necessary for the Hearing Panel to record that not enabling 22m high buildings at Takapūwāhia fails to implement the NPS-UD.

10A The Track:

103 In my written response to interim questions dated 20th March (question 19 of Minute 60) I confirmed that the additional area sought by the submitter to be rezoned to MRZ-Medium Density Residential Zone was 1,989m². Subsequent to this Mr Botha made a presentation to the Hearing Panel advising why this area should be rezoned. In this, he commented that water drains northwards from the MRZ land to the area shown on the PDP maps as a flood ponding area. In addition, Mr Botha also noted that the draft subdivision plan⁵⁰ that informed the notified

⁵⁰ This formed part of the PCC rezoning report for 10A The Track, included as a supporting document when the PDP was notified in 2020 and is referenced in the 2020 Section 32 Evaluation Report Part 1: Overview to s32 Evaluation.

MRZ boundary, provided for lots to have a direct access to the vehicle track directly to the north. This track is currently within the Rural Lifestyle Zone.

104 In Question 66 of Minute 60, the Hearing Panel have asked whether I wish to reconsider my recommendation in relation to the rezoning of this land area.

105 Having listened carefully to Mr Botha's presentation, I believe there is merit in extending the MRZ zone boundary northwards to include the existing track, as this creates a ready-made accessway that can serve the subdivision and development of the land at this point (subject to any necessary upgrading necessary under the PDP TR-Transport chapter). However, I still do not recommend the rezoning of all the land area up to the edge of the flood ponding area shown on the PDP planning maps.

106 The draft subdivision plan provided by Mr Botha at the time of the promulgation of the 2020 PDP provides a more precise, surveyed approach to defining a zone boundary across a piece of land than reliance on the PDP ponding area. I also do not consider it necessary to include the drainage "catchment" within the zone boundary. This is not a barrier to the development, use and subdivision of the MRZ zoned land.

Recommended Changes

- a. **Amend** the Planning Maps to rezone the area shown below and in Appendix 2, as MRZ-Medium Density Residential Zone.



Figure 4 – Map showing land at 10A The Track recommended for rezoning

S32AA evaluation

107 The addition of the existing track represents a physical resource necessary to serve the development, use and subdivision of the MRZ-Medium Density Zone for the recommended area at 10A The Track. I consider that:

- The inclusion of the track within the MRZ ensures the more efficient use of the land; and
- Provides a readily observed physical feature on the ground by which to define the boundary.
- Overall, the most appropriate zoning for the land is to incorporate it into the MRZ.

Rezoning of 2020 General Residential Zone

Question 33: Please quantify in approx. % the split of the former GRZ into:

- HRZ
- HRZ with HVC

- *MRZ RIP*
- *MRZ RIP with HVC*
- *MRZ*
- *MRZ with HVC*

108 Question 33 seeks the approximate split of the former General Residential Zone into the Variation 1 zones/precincts and to also identify the percentage of these areas which are subject to height variation controls. In response I provide three tables, as follows:

- Table 1 – this shows the percentage split of the residential resource into the General Residential Zone and Medium Density Residential Zone in the 2020 PDP.
- Table 2 – this shows the percentage of the 2020 General Residential Zone that was changed through Variation 1 to each of the new residential zones/precincts and where these are subject to height variation controls.
- Table 3 – this shows the percentage of the 2020 residential zones (GRZ and MRZ combined) that were changed through Variation 1 to each of the new residential zones/precincts and where these are also subject to height variation controls.

109 I have provided the three tables to help build the picture of how the 2020 PDP residential zones were “carved up” in Variation 1 and to identify the percentage of the “carved up” area that is proposed to be subject to height variation controls⁵¹.

Table 1 - percentage split of the residential resource into the General Residential Zone and Medium Density Residential Zone in the 2020 PDP

⁵¹ This does not include the RNZ telecommunications tower height controls

Proposed District Plan 2020		
Zone	Area m ²	% of total residential zoning
General Residential Zone	16,498,843.84	74.42%
Medium Density Residential Zone	5,671,928.96	25.58%
Total	22,170,772.80	100%

Table 2 - percentage of 2020 General Residential Zone changed through Variation 1 to the new residential zones/precincts including height variation controls.

Distribution of changes from the 2020 General Residential Zone to new Variation 1 residential zonings/precinct		
Zone/Precinct	Area m ²	% of former GRZ
HRZ	349,466.79	2.12%
HRZ with Height Controls	62,745.20	0.38%
HRZ total		2.5%
MRZ-RIP ⁵²	2,017,812.96	12.23%
MRZ-RIP with Height Controls	262,155.38	1.59%
MRZ-RIP total		13.82%
MRZ	12,786,403.03	77.50%
MRZ with Height Controls	1,020,260.49	6.18%
MRZ total (excluding MRZ-RIP)		83.68%
MRZ total (including MRZ-RIP)		97.5%

Table 3 - percentage of the 2020 residential zones (GRZ and MRZ combined) changed through Variation 1 to the new residential zones/precincts including height variation controls.

Distribution of changes from the 2020 General Residential Zone and Medium Density Residential Zone to new Variation 1 residential zonings/precinct		
Changed zoning	Area m ²	% of total PDP residential zoning (GRZ and MRZ combined)
GRZ to HRZ	349,466.79	1.58%
GRZ to HRZ with Height Controls	62,745.20	0.28%

⁵² MRZ-RIP = MRZ-Residential Intensification Precinct

Total GRZ to HRZ		1.86%
GRZ to MRZ-RIP	2,017,812.96	9.10%
GRZ to MRZ-RIP with Height Controls	262,155.38	1.18%
Total GRZ to MRZ-RIP		10.28%
GRZ to MRZ	12,786,403.03	57.67%
GRZ to MRZ with Height Controls	1,020,260.49	4.60%
Total GRZ to MRZ		62.27%
MRZ to HRZ	1,083,348.33	4.89%
MRZ to HRZ with Height Controls	11,306.13	0.05%
Total MRZ to HRZ		4.94%
MRZ to MRZ-RIP	3,132,227.27	14.13%
MRZ to MRZ-RIP with Height Controls	55,589.77	0.25%
Total MRZ to MRZ-RIP		14.38%

110 To help explain what the tables show I have identified some findings below:

Table 2

- 2.5% of the 2020 GRZ was upzoned to HRZ by Variation 1, of which 0.38% is subject to a height variation control.
- 13.82% of the 2020 GRZ was upzoned to MRZ-Residential Intensification Precinct by Variation 1, of which 1.59% is subject to a height variation control.
- In total 97.5% of the 2020 GRZ was upzoned to MRZ by Variation 1.

Table 3

- 6.74% of the 2020 GRZ and MRZ (combined 2020 residential zones) upzoned to HRZ by Variation 1, of which 0.33% is subject to a height variation control.
- 93.49% of the residential resource (MRZ, MRZ-RIP, and HRZ) is not subject to a height variation control.
- The main spatial area subject to a height variation control is the MRZ at 4.75% of which 4.6% is on land formerly GRZ in the 2020 PDP.

- 24.66% of 2020 GRZ and MRZ (combined 2020 residential zones) is subject to MRZ-Residential Intensification Precinct by Variation 1, of which 1.43% is subject to a height variation control.

Other planning map matters

111 **69A Discovery Drive:** During my oral presentation the Hearing Panel sought clarification on where the boundary with the public road was located relative to this property. The map below shows in blue outline the portion of public road immediately to the south of the property:

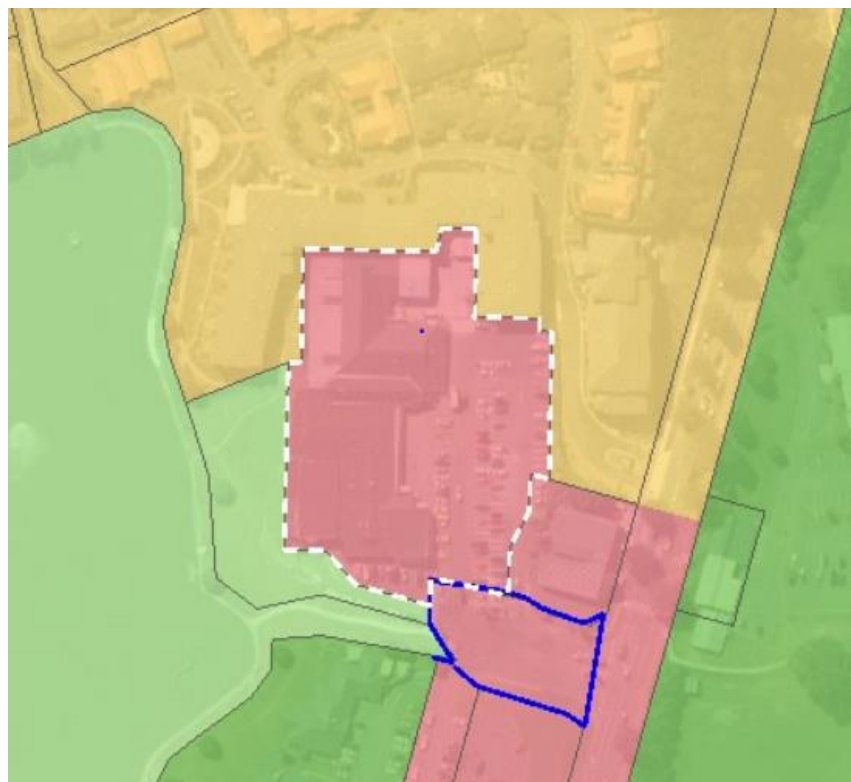


Figure 6 – Map showing public road at 69A Discovery Drive

Question 5: Please check and confirm whether there are any issues with the recommended changes to Height Variance Controls/ upzoning to HDRZ due to the interface with any heritage sites or sites of significance to Māori. We discussed 1 Mungavin Avenue (and Minute 60 Page 2 Messrs Bowman and Vossler confirmed that wasn't a problem), but are there any others we should be aware of?

112 This matter was raised in relation to those sites identified in my supplementary statement of planning evidence where I recommended the following:

- Rezoning of land at 58/60 Raiha Street, Kenepuru from MRZ-Medium Density Residential Zone to HRZ-High Density Residential Zone⁵³;
- Height variation control of up to 36m at (maps included below):
 - Land at Kenepuru Drive and Titahi Bay Road; and
 - Land east of the Mungavin Interchange at Ranui.

113 In relation to the land at Kenepuru Drive/Titahi Bay Road, this matter has been considered by Mr Bowman and Mr Vossler in their Right of Reply. The key findings of their consideration on this matter are that:

- Inclusion of all the recommended land at Kenepuru Drive/Titahi Bay Road in a 36m height variation control would harm the values and qualities of the scheduled heritage items and their setting at 4, 8 and 10 Kenepuru Drive; and
- The north-eastern area of the proposed 36m height control variation area should be excluded, as shown below:

⁵³ See map at paragraph 16 to Statement of supplementary planning evidence of Michael David Rachlin on behalf of Porirua City Council

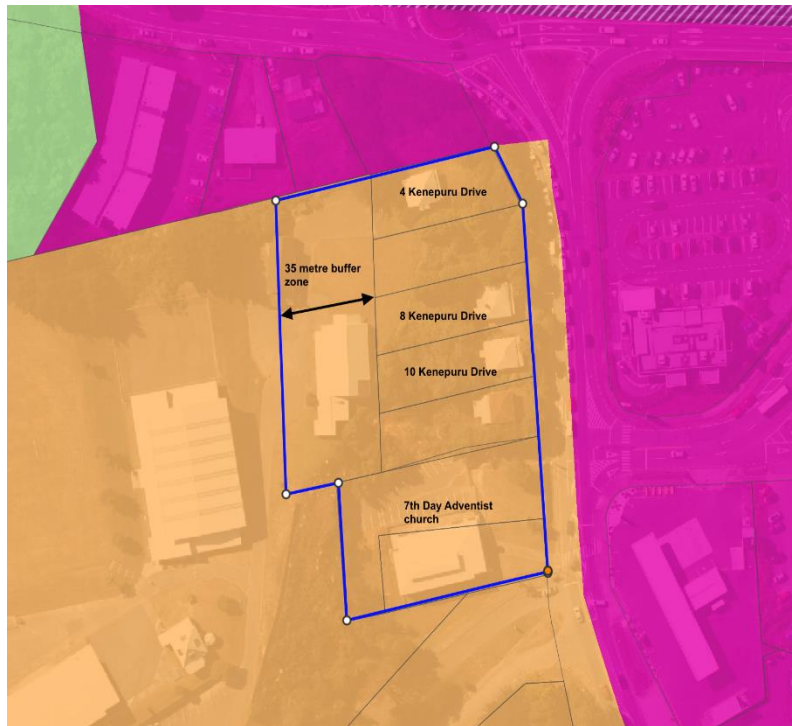


Figure 7 – Map showing area recommended for exclusion from 36m height limit

114 Based on Mr Vossler and Mr Bowman’s findings, I consider the most appropriate planning response would be to provide for the following area as being subject to the Height Increase – 36m control:

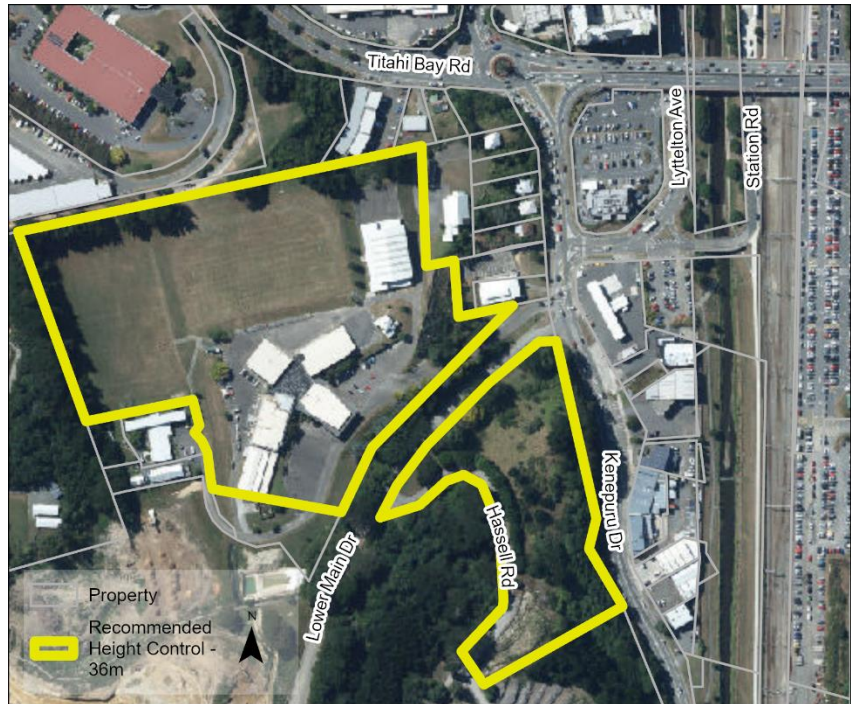


Figure 8 – Aerial photograph showing area to be subject to 36m variation height control

- 115 Mr Vossler and Mr Bowman also confirm the proposed Height Increase – 36m control at the land east of the Mungavin interchange, as shown in my Statement of supplementary planning evidence, dated 13th March 2023, would not cause harm to the values and qualities of the scheduled heritage item at 1D Mungavin Avenue⁵⁴.
- 116 For sake of completeness, I show the new Height Increase – 36m on the planning maps in Appendix 2 and below:

⁵⁴ Mungavin Homestead, Heritage Item ID: HHB024.

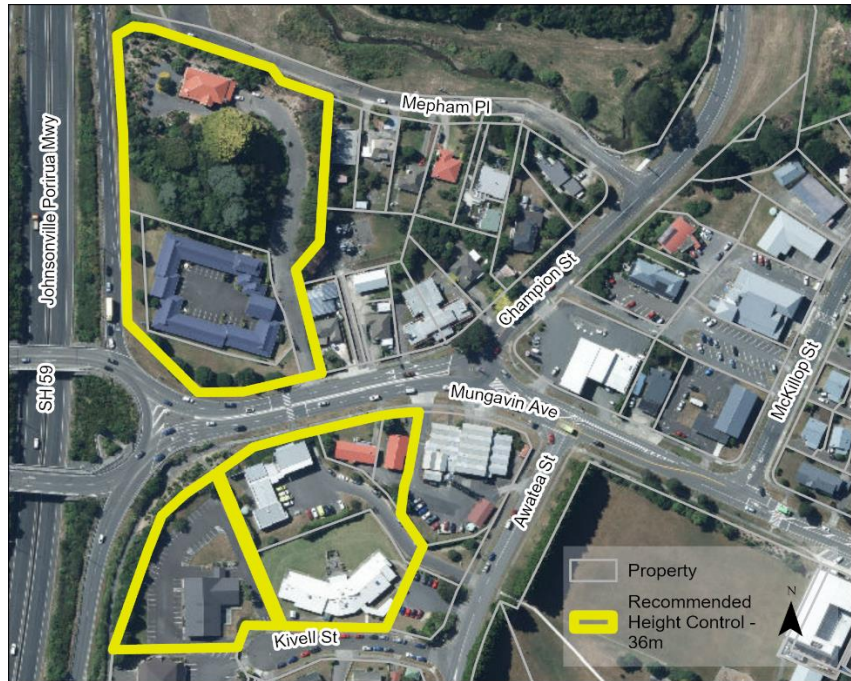


Figure 9 - Aerial photograph showing area to be subject to 36m variation height control

117 I can confirm that the recommended rezoning of land at 58/60 Raiha Street⁵⁵, Kenepuru and land at Acheron Road, Paremata (see later in this Right of Reply) do not raise any matters due to the interface with any heritage sites or sites of significance to Māori.

118 As part of my review since my oral evidence, I consider that enabling 36m high buildings at these sites require a consequential amendment to HRZ-O1 which identifies the planned built urban environment for the HRZ-High Density Residential Zone to reflect that buildings up to 10-storey will be enabled at Kenepuru Drive/Titahi Bay. I do not consider that a corresponding change to MUZ-O1 for the Mixed Use Zone is required.

Recommended Changes

- a. **Amend HRZ-O1** as below and as shown in Appendix 1:

⁵⁵ Recommended in my statement of supplementary planning evidence, dated 13th March 2023

HRZ-O1**Planned urban built environment of the High Density Residential Zone**

The planned urban built environment in the High Density Residential Zone is characterised by:

1. A planned built form of terraced housing and apartments buildings, predominantly six storeys in height and up to ten storeys in identified Height Variation Control areas⁵⁶;
2. A greater intensity of buildings than anticipated in the Medium Density Residential Zone and the MRZ - Residential Intensification Precinct;
3. A quality-built environment that provides for the health and well-being of people and communities residing in the Zone; and
4. An urban environment that is visually attractive, safe, easy to navigate and convenient to access.

S32AA evaluation

119 I do not consider that a s32AA evaluation is required over and above the assessment already provided here and in my Statement of supplementary planning evidence where I assessed the appropriateness of enabling 36m building heights at these sites. The amendment better describes the built environment outcome for the High Density Residential Zone.

Question 14: Can Council please identify a 400m walkable catchment around Pukerua Bay Ry Station on a map, identifying what difference it makes if pedestrians are assumed to use the pedestrian overpass ie show the walking catchment with and without that assumption.

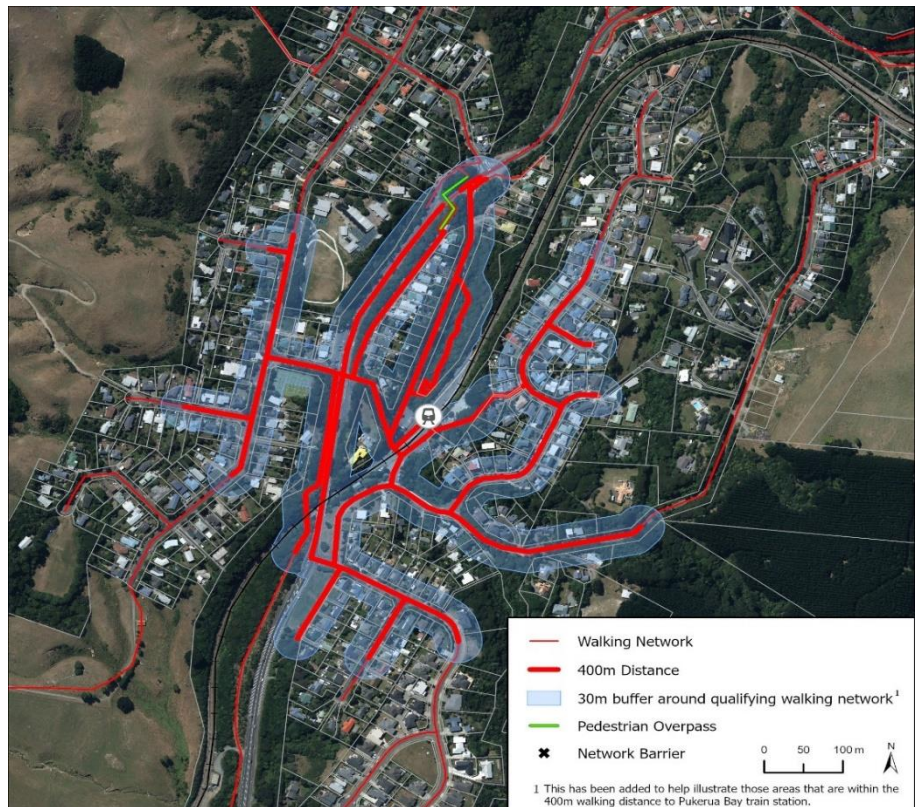
120 The Council's GIS team has prepared the following maps which show that the pedestrian overpass is at the limit of a 400m walking distance from the Pukerua train station. As such it has no significant impact on the

⁵⁶ OS76.124

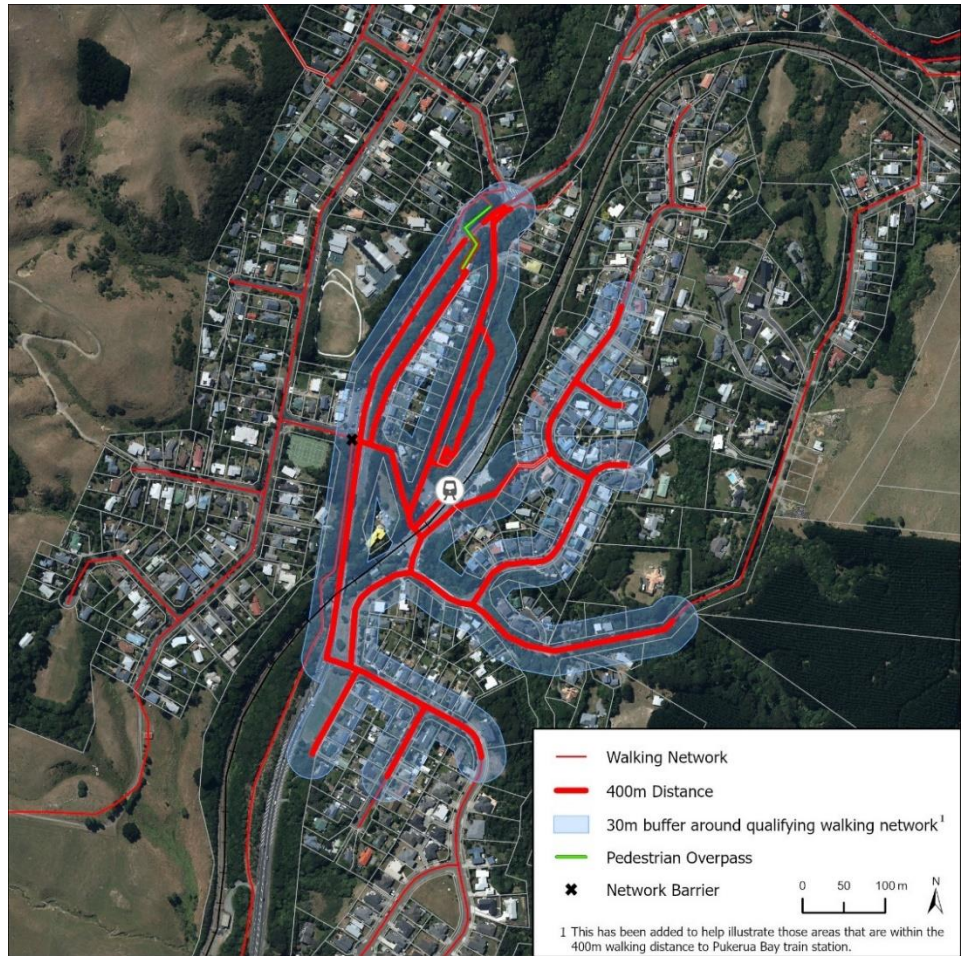
extent of the 400m walking distance mapped to the west of SH59. This is illustrated in the maps below.

121 The first map shows 400m walking distance from the train station and assumes use of both the overpass and at grade crossing of SH59. The second map shows 400m walking distance from the train station and assumes no at grade crossing of SH59 (i.e., that pedestrians only use the overpass).

Map 1 – Pukerua Bay – 400m walking distance



Map 2 – Pukerua Bay – 400m walking distance



122 The above maps demonstrate that the 400m walking catchment from the train station is dependent on the ability to cross SH59 at grade, with the overpass making no difference to the spatial extent of the catchment.

Expansion of Neighbourhood Centre Zone at Pukerua Bay

123 Question 47 from Minute 60 seeks Mr McIndoe's comment on the expansion of the Neighbourhood Centre Zone in Pukerua Bay. Mr McIndoe in his Right of Reply comments in summary that, from an urban design perspective:

- Enlarging the commercial centre could increase the possibility of increasing local services and facilities.

- The area around the existing NCZ has street frontages and as such is accessible along these frontages. Co-locating services in this area next to the tennis courts could enhance a sense of neighbourhood.
- The area to the east of SH59 is unlikely to have an interface with SH59 and that only the southern part of the subject area along Teihana Road East is suited to a commercial centre. This is because of pedestrian movements along Teihana Road East to the railway station.
- In relation to land east of SH59, there is a lack of visibility and poor access to and past the northern part of this site to the east of SH59. This makes that northern portion (Area B in Figure 2 in Mr McIndoe's Right of Reply) unsuitable for commercial frontages and singularly inappropriate for any sort of neighbourhood centre extension.
- The lack of design controls in the Neighbourhood Centre Zone could result in poor development and that consideration should be given to changing it to a Local Centre Zone, where the Local Centre Zone Design Guide would manage new developments, or alternatively a package of controls to manage new development in this area.
- Risk of adverse effects on existing houses could arise from increased building heights if rezoned to LCZ.

124 Overall, Mr McIndoe considers that, from an urban design perspective, the geographical extent of the commercial centre could be increased but that it:

- Should be in combination with an appropriate package of controls; and

- Be limited to the area identified by Kāinga Ora to the west of SH59 and to the east, the area identified as A in Figure 2 in his Right of Reply.

125 In my Officer's Report: Part B – Residential Zones, Planning Maps and General Topics I recommended that the proposed expansion be rejected. This continues to be my recommendation in this matter.

126 The area in question, including as amended by Mr McIndoe, consists of residential housing and the land to the east of SH58 currently has no commercial activities. The rezoning of these areas to a commercial zone means that the NCZ-zone provisions will apply without any form of transitional controls to account for the residential nature of this area, including:

- Permitted building heights of up to 12m with no setback or height in relation to boundary controls⁵⁷ to manage cross-boundary effects with adjacent residential properties.
- Additions and new buildings to existing residential sites will be subject to NCZ-S4 active frontage requirements if applied as recommended by Mr McIndoe.
- Existing houses would need to rely on existing use rights since NCZ-S5 requires that all residential units must be located above ground floor level unless no part fronts on to a public open space, including a road and they do not interrupt or prevent an active frontage.
- A wide range of permitted commercial activity land uses can occur directly adjacent to existing residential properties.

⁵⁷ Except along a boundary with an adjacent residential or open space zone

127 In my opinion through its submission and evidence to the Hearing Panel, Kāinga Ora did not undertake a sufficient assessment of effects of their proposed re-zonings nor demonstrate that such a rezoning was the most appropriate zone to implement the objectives of the PDP. The evidence does not address any adverse effects that will arise while the area transitions from a residential environment to a commercial centre, nor how these effects will be managed. This includes any form of transport assessment which considers traffic generation, the suitability of the two areas (east and west of SH59) to service commercial land uses and impact on State Highway 59.

128 In addition, given the distance between the western Neighbourhood Centre Zone and that to the east of SH59, they are unlikely to ever operate as a single cohesive commercial centre. As such they would only function and serve their limited catchments each side of the state highway.

129 It is also likely that any such transition will be slow and as such the transition effects identified will occur over the foreseeable future. Mr Cullen's economic evidence for Kāinga Ora does not identify modelling to demonstrate demand for the additional commercial space enabled by expansion of the Neighbourhood Centre Zone and likely take up rate of that demand. In my Officer's Report: Part B – Residential Zones, Planning Maps and General Topics I addressed this matter and noted that:

The Property Economics report, Pukerua Bay Retail Centre Economic Assessment (July 2022) found that, "..... a future 'at capacity' Pukerua Bay market, a convenience retail centre with an estimated provision of 3,400sqm GFA (circa 0.76ha of efficiently developed land) is considered appropriate and sustainable to service the future population's convenience retail and commercial service requirements" 19. This is to be provided as part of the rezoning of the Northern Growth Development Area. In other words, any additional capacity to Neighbourhood Centres in Pukerua Bay will be used in the purpose built and planned Neighbourhood Centre Zone at the Northern Growth

Development Area. This new Neighbourhood Centre is identified on the Structure Plan incorporated into the PDP by Variation 1.

- 130 The rezoning, in the absence of any provisions to manage the transition and change from a residential environment to commercial centre is likely to result in adverse effects to the health and wellbeing of existing residents. It is also likely to create consequences for the ability of property owners to build and manage their residential properties due to the NCZ-zone provisions. Additionally, the transport effects both on the local network and on SH59 are unknown due to the lack of any transport assessment, including how the two centres would function.

Design Guides

- 131 In their joint witness statement dated 20th March 2023, Mr McIndoe and Mr Rae, recommended two changes to the Residential Design Guide as follows:

- *G7a should be edited to read “...introducing smaller and/or lower secondary forms that achieve a scale transition: particularly close to ground level.”*
- *We agree that the explanation to A2 G2a should be modified to read as follows:*

“Building and dwelling entries should be expressed with a porch or other means of shelter and should be readily visible from the street, or as applicable, from any main public access to the development. Furthermore, the entry to all ground floor townhouse units ~~at~~ close to the street edge and the communal lobby entrance to apartments should, wherever practicable, be facing or directly visible from the street. This will ensure legibility of entrance approach. It is not necessary that ground floor apartments have their own individual entry.”

132 The first change is recommended as it relates primarily to over-height buildings (addressed in part C7 Tall Buildings of the design guide) and as such reference to being close to ground level is redundant. The second change is intended to avoid misapplication of the front door connection guideline in A2 G2a of the guideline (orientating dwellings to street frontages).

133 In my opinion, both changes are relatively minor and assist in the useability of the Residential Design Guide. As such I recommend that these changes be made.

Recommended Changes

- a. **Amend** sections A2 G2a and C7 G7a to the Residential Design Guide as shown in Appendix 3.

Question 37: Query whether the Interpretation section of the Commercial Design Guide needs to say the Residential Section doesn't apply to Retirement Villages.

134 During my oral presentation, I confirmed that the residential sections of the Metropolitan Centre Zone Design Guide, Mixed Use Zone Design Guide, Large Format Retail Zone Design Guide, and Local Centre Design Guide were not intended to apply to retirement villages. As such I recommend that the design guides should be amended to make this clear in the interpretation section of each guide.

135 In addition, during my oral presentation I also identified that the Residential Design Guide did not apply to retirement villages. Again, I would recommend that the interpretation of the guide should be amended to make this clear.

Recommended Changes

- a. **Amend** the interpretation section of the Metropolitan Centre Zone Design Guide, Mixed Use Zone Design Guide, Large Format Retail Zone Design Guide, Local Centre Design Guide, and Residential Design Guide as shown in Appendix 3.

S32AA evaluation

- 136 I do not consider that a s32AA evaluation is required as the amendments only provide a clarification of the policy requirement in relation to the design guides and retirement village developments.

Kāinga Ora planning maps

- 137 Questions 17, 18, and 36 variously sought Council to revisit the extensions to the HRZ and MRZ-Residential Intensification Precinct sought by Kāinga Ora to check that it had applied its methodology consistently and to clarify why certain areas did not qualify.
- 138 In parts 9 and 10 to my response, dated 20th March, to interim questions from the Hearing Panel I made the point that the Council's methodology had a 3-stage process, with stages 2 and 3 including ".....qualitative assessments of an area's suitability to support residential intensification and allowed a more enabling approach than simple reliance on step 1 (in other words, the Council did not simply adopt a binary "in-out" approach)". Mana and Kenepuru Landing are examples of this, as set out in my interim response.
- 139 **Extension to HRZ at Mana/Camborne:** The relevant area, as sought by Kāinga Ora is shown below:

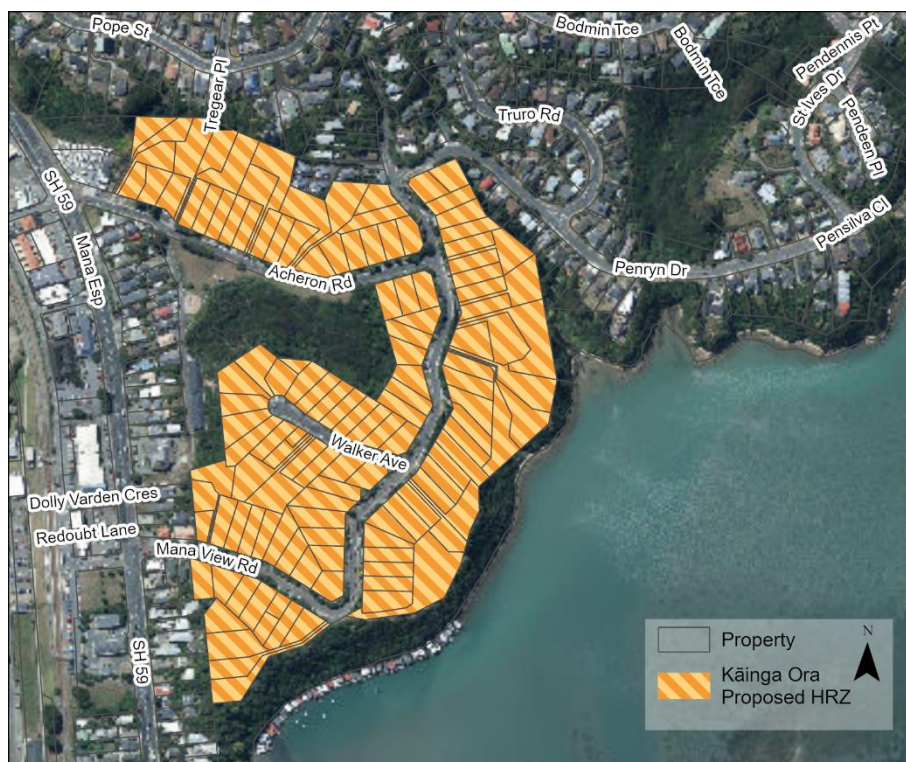


Figure 10 – Map showing Kāinga Ora HRZ at Mana

140 As set out in the 2022 Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation⁵⁸ and Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3⁵⁹, Mana failed to meet a primary factor⁶⁰ in the Council’s methodology, namely it was more than 1000m walking distance from a primary school. However, due to secondary factors it was upzoned to HRZ-High Density Residential Zone. For the above reasons I do not support further upzoning beyond the notified HRZ, except for a part of Acheron Road, as discussed below.

141 I reviewed the Mana/Camborne area together with Mr McIndoe and applying the Council’s methodology we believe the following area at

⁵⁸ See section 5.4

⁵⁹ See section 9.1.1

⁶⁰ See page 62 of the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation and McIndoe Urban Design Memo 20 which identify the primary well-functioning environment factors used in the Council’s methodology.

Acheron Road would be appropriate for HRZ-High Density Residential zoning – see map below:

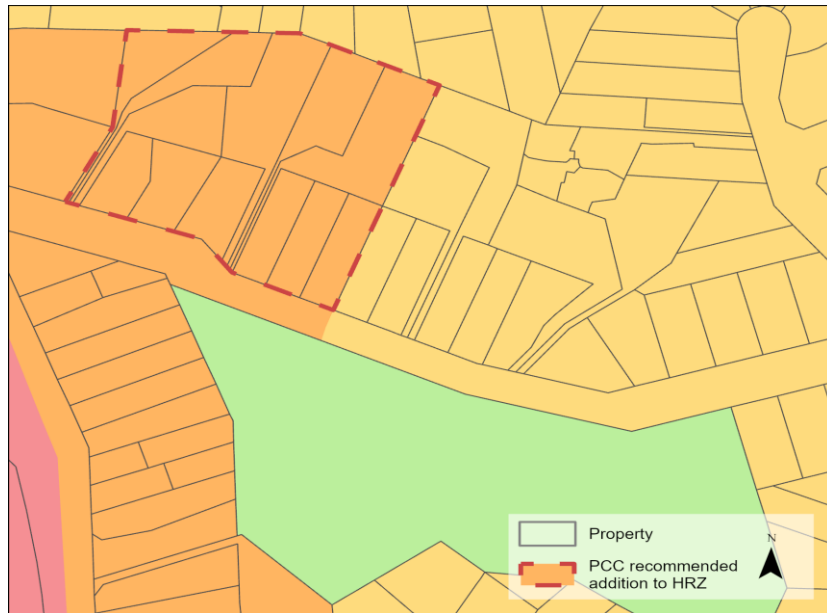


Figure 11 – Map showing extension to HRZ at Acheron Road

142

I have arrived at this recommendation based on the following:

- The area is within 800m walking distance of a train station, as shown in the map below (complying walking distance shown with yellow line):



Figure 12 – walking distance map for train station

- The area is within 1200m walking distance of a supermarket as shown in the map below (complying walking distance shown with purple line):



Figure 13 – walking distance map for supermarket

- While part of the site is situated outside of a walking catchment to a primary school, I have weighted the good proximity to a local park on the opposite side of the road as a countervailing factor. The maps below show the 400m walking distance from local parks and the 1000m walking distance to a primary school (complying walking distance shown with brown line for local park and blue line for primary school):



Figure 14 – walking distance map for local park



Figure 15 – walking distance map for primary school

- Shade controls on the steeper rear lots will manage the worst of the shading effects arising from any development on these sites. Sites subject to shading height controls in the PDP are shown with a hatched line:

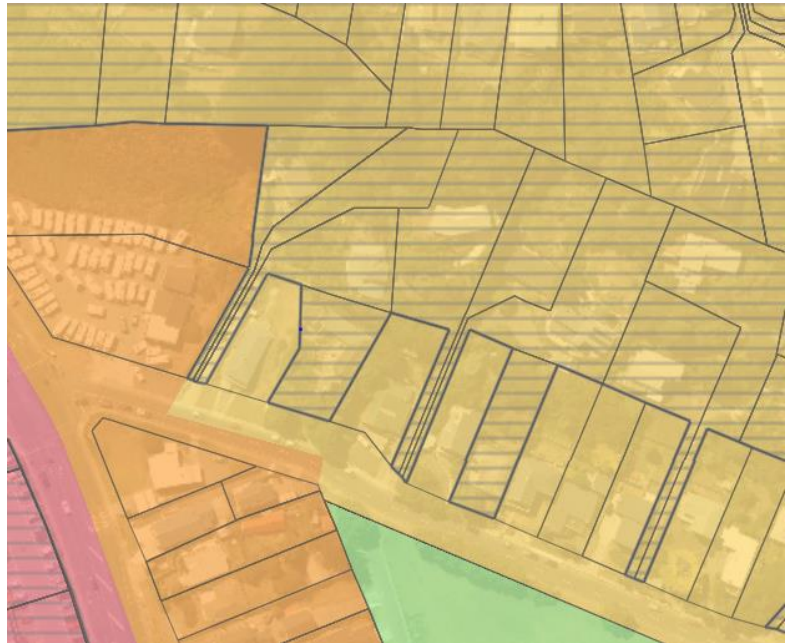


Figure 16 – Map showing shade control sites at Acheron Road

143 Overall, I support High Density Residential zoning at this location and consider that it represents the most appropriate zoning to achieve the objectives of the PDP. This will require amendments to the zone based shading controls from Height Control – Shading C⁶¹ to Height Control – Shading A, which represents the appropriate control in the HRZ-High Density Residential Zone.

Recommended Changes

- a. **Amend** the Planning Maps to rezone the area shown below as HRZ-High Density Residential Zone.

⁶¹ These controls apply in the MRZ-Medium Density Residential Zone

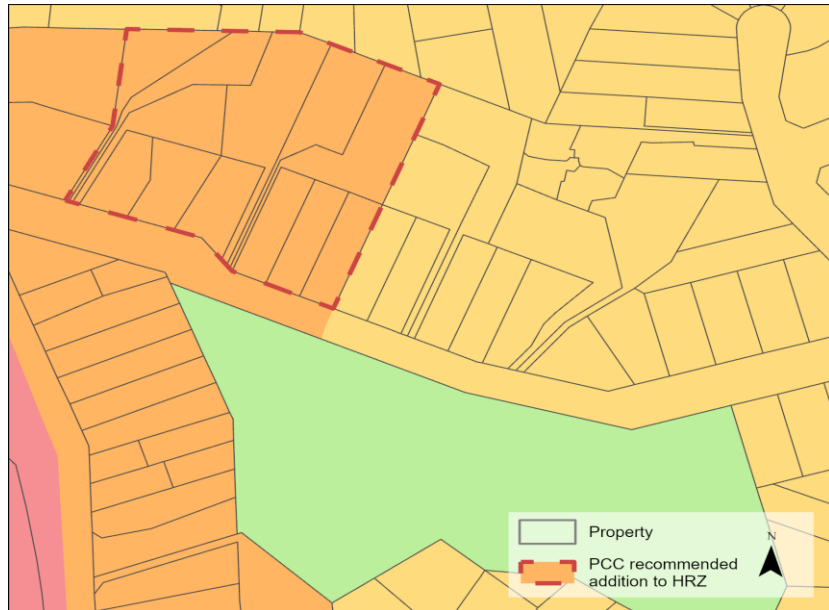


Figure 17 – Map showing land to be rezoned HRZ at Acheron Road

b. **Amend** the Planning Maps to change the height variation controls to Height Control – Shading A.

144 **Paremata:** HRZ-High Density Residential zoning was not considered appropriate for Paremata since it failed one or more of the Council’s primary factors⁶²; being supermarket (1200m walking distance) and local park (400m walking distance). This is illustrated in the maps below, which show the walking distances from these primary factors:

- Walking distance to supermarket (purple line shows 1200m pedestrian route):

⁶² See page 62 of the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation and McIndoe Urban Design Memo 20 which identify the primary well-functioning environment factors used in the Council’s methodology.



Figure 18 – Map showing walking network for supermarket

- Walking distance to local park (brown line shows 400m pedestrian route):



Figure 19 – Map showing walking network for local parks

145 These maps illustrate how the area would not be within walking distance to a supermarket and/or a local park.

146 For sake of completeness, below are maps showing the 800m walking distance from a train station and 1000m walking distance to a primary school. Paremata does meet these factors:

- Walking distance to train station (yellow line shows 400m pedestrian route):



Figure 20 – Map showing walking network for train station

- Walking distance to a primary school (blue line shows 1000m pedestrian route):



Figure 20 – Map showing walking network for primary schools

147 There are three lots at Paremata Crescent (numbers 60, 62 and 64), that are theoretically within a 1200m walking distance to a supermarket. However, as shown in the map below, this would require the crossing of SH59 at points where there is no pedestrian crossing. In addition, access to this group of properties is by way of a shared driveway, which means that the actual sites are outside of the 1200m walking distance. This group of houses would also not be within 400m of a local park.



Figure 21 – Map showing where pedestrians would be required to cross SH59

148 For the above reasons, I do not recommend the extension of the MRZ-Residential Intensification Zone nor the upzoning to HRZ-High Density Residential Zone to these properties.

149 **Papakowhai:** There are two main blocks being sought for inclusion in the MRZ-Residential Intensification Precinct by Kāinga Ora for Papakowhai; being Aspiring Terrace to the north-east and the Summersett retirement village to the south-west. Both areas are within an 800m walking distance to a local centre.

150 Aspiring Terrace is not within walking distance to a local park or primary school. I am not aware of any other countervailing factor that supports it being included in the MRZ-RIP. This is shown in the maps below:

- Walking distance to a primary school (blue line shows 1000m pedestrian route):



Figure 22 – Map showing walking network for primary school

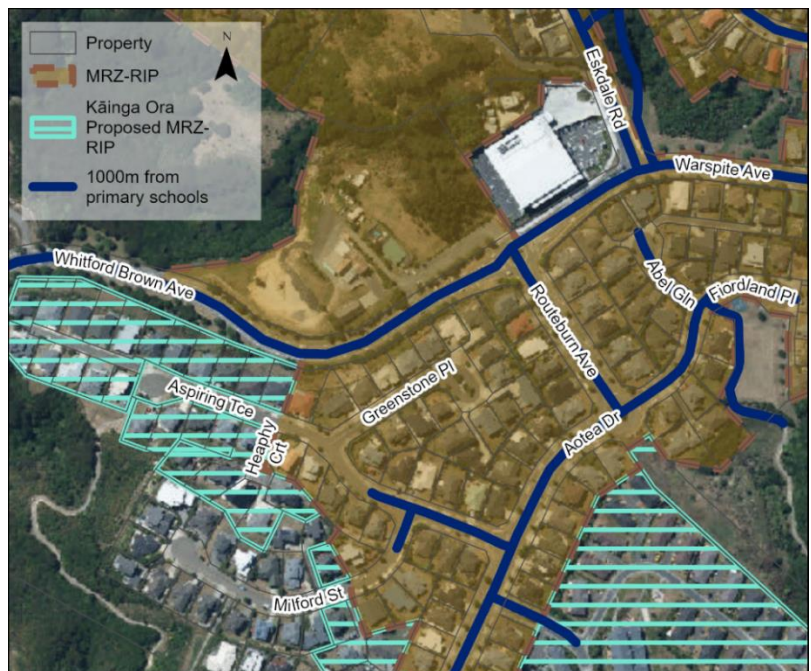


Figure 22 – Map showing walking network for primary school and extent of MRZ-Residential Intensification Precinct in Variation 1

- Walking distance to local park (brown line shows 400m pedestrian route):



Figure 23 – Map showing walking network for local parks



Figure 24 – Map showing walking network for local parks and extent of MRZ-Residential Intensification Precinct in Variation 1

151

I would, however, acknowledge that nearby Greenstone Place is also outside of the walking distances to a local park or primary school but is

within the MRZ-Residential Intensification Precinct. However, its exclusion would have resulted in an island of MRZ-Medium Density Residential Zone land surrounded by MRZ-Residential Intensification Precinct. Mapping principles 2 and 10 of the Council's methodology⁶³ seek to avoid small islands of random zoning and if in doubt typically be enabling of development. These were used to support inclusion of Greenstone Place into the MRZ-Residential Intensification Precinct.

152 In relation to the Summerset Retirement village, the maps below show that a small section to the western edge of the village would be within walking distances for a primary school and a local park. However, this parcel of land is part of a single retirement village complex contained within a single site. I do not consider it appropriate to have a "split zoning" of this nature. The Council's mapping principles⁶⁴ included:

Zone boundaries follow cadastral boundaries at mid-block and/or at streets and other public rights of way/walkways.

- Walking distance to local park (brown line shows 400m pedestrian route):

⁶³ See 1.2 of McIndoe Urban Memo 20

⁶⁴ Ibid

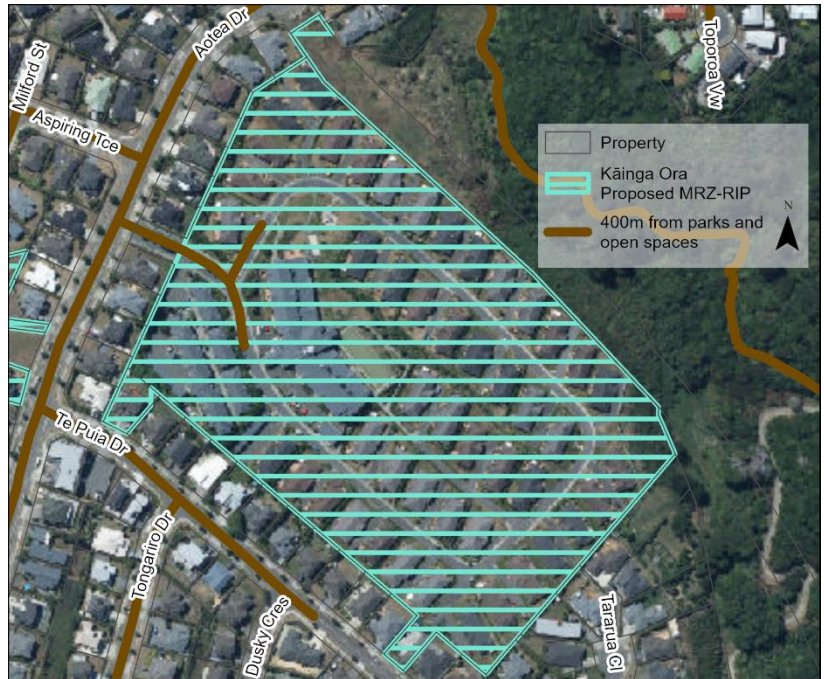


Figure 25 – Map showing walking network for local parks

- Walking distance to a primary school (blue line shows 1000m pedestrian route):



Figure 26 – Map showing walking network for primary schools

153 In view of the above, I do not recommend this land be included in the MRZ-Residential Intensification Precinct.

Whitby: Kāinga Ora seek the inclusion of land at Exploration Way and Furneaux Grove. See map below:



Figure 27 – Map showing walking network for local parks – Exploration Way



Figure 28 – Map showing walking network for local parks – Furneaux Grove

155 Exploration Way is within the relevant walking distances to a local centre and primary school but is at the extremity of the walking catchment for a local park (see Figure 27 above – the 400m pedestrian route is shown in a brown line). Principle 9 of the Council’s mapping methodology states that:

Rear lots are not ideal for intensification so if at the periphery of the zone, exclude these from up-zoning.

156 In view of the above, I do not support the inclusion of these rear lots into the MRZ-Residential Intensification Precinct.

157 The land at Furneaux Grove is also within the relevant walking distances to a local centre and primary school but outside that for a local park. While principle 10 of the Council’s mapping methodology seeks an enabling development approach, I do not consider that other factors

weigh in favour of inclusion of this land against its failure to achieve one of the primary factors (access to local park).

158 **Cannons Creek:** Kāinga Ora seek the inclusion of additional land at Cannons Creek within the MRZ-Residential Intensification Precinct.

159 This area is within walking distance of a local centre and primary school, but outside of a walking distance to a local park – see map below which shows the 400m pedestrian route in a brown line. While principle 10 of the Council’s mapping methodology seeks an enabling development approach, I do not consider that other factors weigh in favour of inclusion of this land against their failure to achieve one of the primary factors (access to local park).



Figure 29 – Map showing walking network for local parks for Cannons Creek

160 **Extension of HRZ at Takapūwāhia and Elsdon:** Earlier I address this as part of my response to Question 63 and have recommended that the land not be rezoned. However, for sake of completeness, PCC's GIS team have produced a series of maps which apply the Council's methodology for identifying HRZ-High Density Residential Zone, based on the assumption that the land to the north of the notified Metropolitan Centre Zone is rezoned from Large Format Retail Zone to Metropolitan Centre Zone.

161 The area in question is shown below. This shows the extent of the HRZ-High Density Residential Zone as sought by Kāinga Ora:

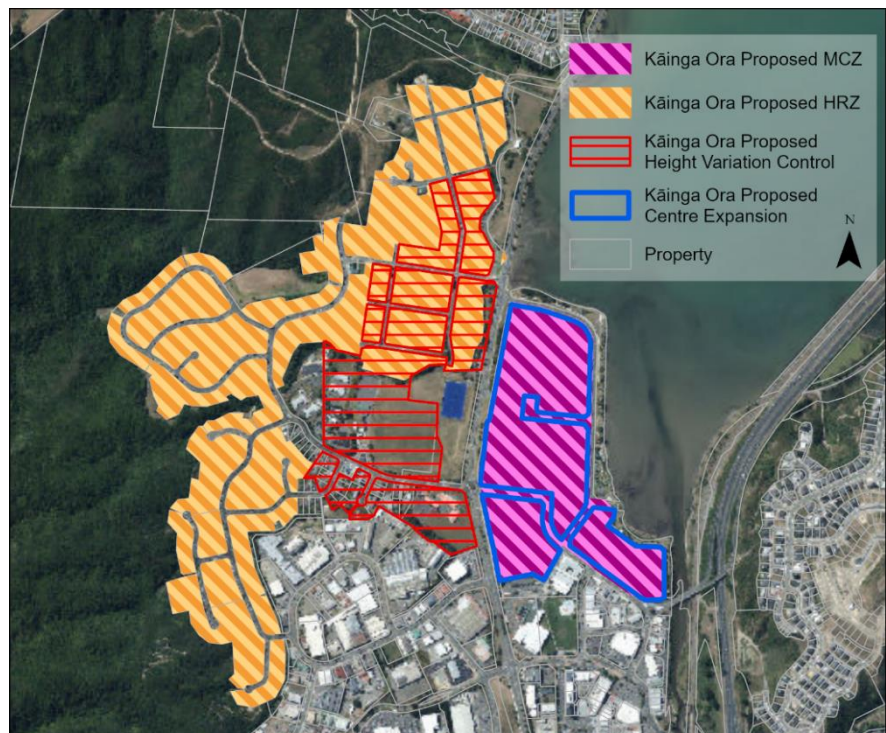


Figure 30 – Map showing Kāinga Ora proposed HRZ at Takapūwāhia

The map below shows the spatial extent of the area where all the mapping factors intersect⁶⁵:

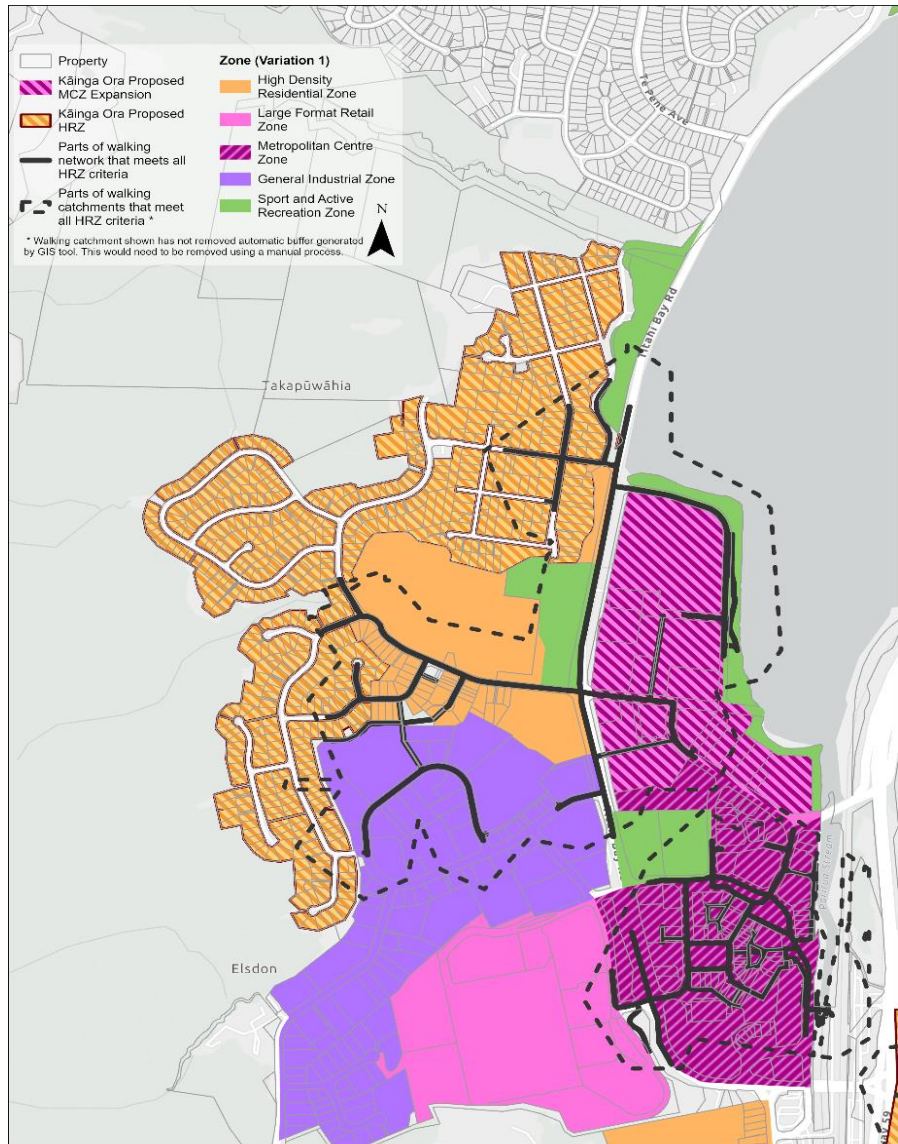


Figure 31 – Map showing walkable catchment at Takapūwāhia using PCC methodology

⁶⁵ For HRZ, these were 800m walking distance from the Metropolitan Centre Zone, 1200m walking distance from a supermarket, 1000m walking distance to a primary school, and 400m walking distance to a local park.

163 In Appendix 4 I include maps showing the walking distances for each of the Council's mapping methodology, which contribute to the above overall walkable catchment.

Question 44: Can Mr McIndoe please provide his version of maps contained in Nick Rae's Appendix F, showing the difference between the Minute 60 Page 5 zones he would recommend as HDRZ compared to Mr Rae, and advise what the difference in area and development capacity is between the two.

164 The only changes proposed by Mr McIndoe to the extent of HRZ zoning are at the following locations:

- Rezoning 58 and 60 Raiha Street, Kenepuru to High Density Residential Zone⁶⁶; and
- Rezoning land at Acheron Road, Plimmerton to High Density Residential Zone.

165 I have agreed with these upzonings and my recommendations together with maps are in my Statement of supplementary planning evidence dated 13th March⁶⁷ and earlier in this right of reply in relation to the land at Acheron Road.

166 In relation to the issue of development capacity, I address this as part of my response to Question 51 later in this right of reply. This question is concerned with the wider cost-benefit of the Kāinga Ora pattern of zoning versus Variation 1.

Question 51: In relation to the difference Mr McIndoe identifies between HDRZ areas as above, what is the cost/ benefit assessment of that difference taking account of the national significance the NPSUD gives to urban development?

⁶⁶ First identified in Mr McIndoe's Supplementary Urban Design Evidence, dated 13th March 2023

⁶⁷ For the land at 58/60 Raiha Street, Kenepuru

167 I address this question by comparing the Variation 1 notified spatial extent of the HRZ-High Density Residential Zone with that proposed by Mr Rae on behalf of Kāinga Ora. The additional areas at Raiha Street, Kenepuru and Acheron Road, Plimmerton that I have recommended earlier be rezoned to HRZ do not make a substantive difference to the quantum of notified HRZ land. For ease of modelling development capacity, Property Economics were asked to look at the uplift generated by the Kāinga Ora HRZ extent (as amended by Mr Rae's recommendations) versus that in Variation 1.

168 As identified earlier I include the Hearing Panel's request in Question 44 of Minute 60 in relation to development capacity here. This sought the difference between the development capacity enabled by Mr Rae's recommended spatial extent of the HRZ versus that recommended by Mr McIndoe.

169 Earlier in this right of reply I have also set out how I consider that recognition of the national significance of urban development requires achievement of all the objectives of the NPS-UD and is not to be conflated with Policy 3 or development capacity. I adopt this approach in considering the costs and benefits the notified spatial extent of the HRZ versus that proposed by Kāinga Ora.

170 Property Economics have modelled the additional development capacity that the additional Kāinga Ora HRZ zoning would generate. Their memorandum setting out the modelling results is attached at Appendix 7. This shows that:

- An additional 1,154⁶⁸ realisable residential units would be generated over and above that generated by Variation 1

⁶⁸ This would result in an uplift of realisable development capacity to a total 28,108 residential units over 30 years compared to 26,954 under Variation 1. The housing bottom line for Porirua is 13,978 over the next 30 years.

- The majority of these would be at Takapūwāhia – 678 dwellings.
- Only a limited number of realisable apartments would be enabled, with the main increase being to terraced housing.

171 The table below provides a summary of the costs and benefits of the spatial extent of HRZ proposed by Kāinga Ora versus the notified extent. However, I would note Kainga Ora have not undertaken a full assessment of the appropriateness/effects of their zoning proposal in terms of the wider scheme of the RMA, the effects of the zoning or the objectives of the NPS-UD. As such it is difficult for me to identify a full range of costs and benefits associated with their zoning pattern⁶⁹. By way of example, I would refer to my discussion earlier in this Right of Reply of the proposed expansion of the NCZ at Pukerua Bay where I have identified a number of effects that have not been addressed.

172 In view of the above, I am only able to respond at a high level to Question 51:

Costs	Benefits
<p>Potential adverse effects on s6 matters of national importance not addressed, such as increased building heights on sites adjacent to historic heritage features/settings and SASMs.</p> <p>Failure to give effect to Objectives 1 and 5 to the NPS-UD in terms of achieving well-functioning urban environment and taking into account the principles of Te Tiriti o Waitangi.</p>	<p>Increased realisable development capacity and as such implementing Objective 2 to NPS-UD in relation to supporting competitive land and development markets.</p>

⁶⁹ Ms Williams, in her statement of planning evidence for Kāinga Ora includes a S32AA evaluation that contains a high level cost-benefit analysis of their requested expansion of the High Density Zone.

<p>Promoting growth at sub-optimal locations such as Pukerua Bay, Paremata and Camborne, likely to increase car use due to lack of local services such as supermarket.</p> <p>Will not implement Objective 8 to the NPS-UD as unlikely to support reduction of greenhouse gases.</p>	<p>Increased opportunity for higher density living in a walking catchment to a train station</p>
<p>Only a relatively limited increase in realisable housing development capacity, with a significant proportion of this concentrated in Takapūwāhia, if enabled there. Issue of the most appropriate zoning for Takapūwāhia is addressed earlier in this Right of Reply.</p>	<p>Potentially increased usage of existing public transport infrastructure network</p>
<p>Promotes growth away from more optimal locations, such as in and around the Metropolitan Centre Zone. As such undermines achievement of a well-functioning urban environment.</p>	<p>Potentially increased choice of housing due to greater flexibility of the planning framework in the HRZ and as such implementing Objective 1 to the NPS-UD in relation to a well-functioning urban environment</p>
<p>Greater dispersal of High Density Residential Zone potentially undermines infrastructure planning and the more efficient use of existing infrastructure.</p>	<p>Opportunity for greater housing supply in optimal locations in terms of existing infrastructure and community services.</p>
<p>Will not directly address housing need which is for detached housing⁷⁰.</p>	<p>Increased development rights for property owners</p>
<p>Increased cross-boundary effects in terms of shading and privacy for affected properties.</p>	<p>Potentially increased active transport usage</p>

⁷⁰ See Response to interim questions from Hearing Panel for Phil Osborne, dated 20th March 2023. Most demand over the next 30 years is for detached housing and requires an uptake rate of 81% compared to 23% for attached housing.

Question 55: Please identify the gradients of the hill streets in the broader Mana/Camborne/South Plimmerton area where HDRZ is recommended and compare those gradients with the additional areas Kāinga Ora (in the evidence of Mr Rae) suggests be upzoned HDRZ?

173 The table below sets out the relevant gradients. These have been calculated by Mr McIndoe, as set out in his Right of Reply.

Location and measured length	Gradients within PCC's proposed HRZ	Gradients in Kāinga Ora proposed extension to HRZ
South Plimmerton		
Motuhara Road (242m)	1 in 11	-
Mana/Camborne		
Grays Road (348m)	1 in 12.4	-
Taupo Crescent (358m)	1 in 10.2	-
Pope Street (210m)	1 in 7.8	-
Acheron Road (154m)	-	1 in 8.1
(Lower) Mana View Road (170m)	-	1 in 8.1
(Upper) Mana View Road (171m)	-	1 in 11.4

174 In relation to the Council's mapping methodology, I would draw attention to the principles set out in 1.2 to the McIndoe Urban Design Memo 20 which were used to review and adjust zone boundaries. Principle 8 stated:

"Contour rise is a factor. Difficult/steep contours along streets mitigates against up-zoning beyond the periphery of the area."
(my emphasis)

- 175 In other words, the issue of steepness or difficulty of streets came into play only when considering possible inclusion of sites outside of the walkable catchments. It was not used as a primary factor when determining the walking catchments based on distance to supermarket, train station, primary school, or local park.
- 176 As identified in 9.1.1 Zoning Structure of the Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3, Mana did not meet the Council’s primary well-functioning urban environment factors due to lack of access to a primary school. It was only included due to secondary factors such as access to Ngāti Toa Domain and that its flat topography was well suited to supporting taller buildings. It is as a secondary factor that steepness was considered.
- 177 **Qualifying Matters and the scheme of the RMA:** The Council’s opening legal submission has described the statutory framework that applies to the review of a district plan. In my planning opinion, sections 77G to 77R need to be viewed and applied within this context, including in relation to the application of qualifying matters and the process by which they are to be identified and evaluated. In simple terms, the IPI must comply with the duties set out in sections 77G and 77N to incorporate the MDRS and to implement policy 3 of the NPS-UD; and any associated qualifying matters and/or related provisions need to meet the statutory requirements that apply to them while enabling the Council in carrying out its functions so as to achieve the purpose of the Act.
- 178 I now address the qualifying matters introduced in Variation 1 in relation to the above statutory framework. Some of these qualifying matters have been challenged by Kāinga Ora principally on the ground that they consider sections 77J and 77L have not been complied with. These are:
- Controls on building heights and/or HIRB on identified sites adjoining schedules historic heritage sites and Sites and Areas of Significance to Māori.

- Controls on building heights on identified sites with steep slopes and southerly aspects.

In contrast to the above, I am not aware that Kāinga Ora are similarly challenging the following qualifying matters:

- Controls on building heights on identified sites adjoining the Mungavin Netball courts complex
- Controls on building heights on identified sites in Titahi Bay in relation to the management of EMF effects from the RNZ mast.

I do not address these qualifying matters further other than to note that they have a similar level of evidential justification and testing against sections 77J and 77L as the two that have been challenged by Kāinga Ora.

Qualifying Matter – sites adjacent to scheduled historic heritage sites and SASM:

179 Expert evidence from Greg Vossler and Ian Bowman⁷¹, and engagement with Ngāti Toa has identified that without controls, taller buildings enabled under Variation 1 will harm the values of a number of historic heritage sites and features, and a number of SASMs. These are section 6⁷² matters of national importance, and this evidence has not been challenged. Similarly, objective 1 to the NPS-UD and MDRS objective 1⁷³ requires the achievement of a well-functioning urban environment including enabling people to provide for their cultural wellbeing, now and into the future. As I have stated elsewhere, I consider that Policy 3 of the NPS-UD should be given effect to in a way that achieves the objectives of the NPS-UD. It cannot be done simply in isolation, divorced from these objectives.

⁷¹ Statement Of Evidence Of Gregory Vossler And Ian Bowman On Behalf Of Porirua City Council (Heritage) 7 Feb 2023, and Greg Vossler and Ian Bowman (2022) Historic Heritage – Qualifying Matters Assessment

⁷² S6(e) and s6(f)

⁷³ Clause 6 to schedule 3A of the RMA

180 I would also note that the proposed planning regime to manage these effects has not been challenged by Kāinga Ora’s planning witnesses. I assume that these planning witnesses were satisfied that the level of controls were appropriate to manage the adverse effects while still allowing for urban intensification, as required by the NPS-UD. In other words, they provide the necessary protection of section 6 matters of national importance while also recognising the national significance of urban development.

181 Section 77J(3)⁷⁴ sets out the matters that need to be covered in the evaluation report required to justify the use of a qualifying matter. The Section 32 Evaluation Report - Part B Urban Intensification - MDRS and NPS-UD Policy 3, provides this analysis⁷⁵. The analysis in the section 32 report was underpinned by expert evidence prepared by Gregory Vossler and Ian Bowman, and the engagement with Ngāti Toa. Mr Vossler and Mr Bowman also provided expert evidence to Hearing Stream 7⁷⁶. This analysis clearly demonstrates the sites that are subject to a qualifying matter, being in this case historic heritage and SASM, and why the level of development permitted by the underlying zone standards is incompatible with these qualifying matters. This has not been challenged on an evidential basis by Kāinga Ora.

182 I do not consider that the requirements set out in section 77J(3)(b) and (c) necessarily require the assessment of quantifiable costs and benefits on each and every site subject to the qualifying matter controls. Nor are “costs” and “broader impacts” of imposing those controls simply limited to assessing negative effects on the affected landowners.

⁷⁴ For qualifying matters S77(l)(a) to (i), which include these s6 matters

⁷⁵ See 11.2.2.2 of that evaluation

⁷⁶ Statement Of Evidence Of Gregory Vossler And Ian Bowman On Behalf Of Porirua City Council (Heritage) 7 Feb 2023

183 Within the context of achieving the purpose of the Act, I consider “broader impacts” also include how managing adverse effects on these matters of national importance will involve⁷⁷:

- managing the use, development, and protection of physical resources in a way, or at a rate, which enables people and communities to provide for their cultural well-being, while-
- avoiding, remedying, or mitigating any adverse effects of activities on the environment.

184 I consider that the level of assessment and justification undertaken for these matters represents a sufficiently robust evaluation which has assessed the broader impacts and costs. For example, the Vossler and Bowman 2022 report looked at options for managing the effects and determining the minimum level of controls necessary to achieve the protection of the values and qualities of the scheduled historic heritage features and sites. This approach appropriately evaluates the broader impacts in terms of achieving the purpose of the Act while also recognising the national significance of urban development.

185 I consider that the level of controls proposed under these qualifying matters appropriately manages the effects of development on the qualities and values of scheduled historic heritage sites and SASM, while at the same time enabling urban intensification. The controls result in the loss of only 71 feasible and realisable residential units over the next 30 years.

186 Following on from the above, I believe that these qualifying matters:

- Better achieve the purpose of the Act with the qualifying matter controls in place to manage adverse effects of taller buildings on

⁷⁷ I have not sought to identify the “broader impacts” here, as that is the subject of Question 54 addressed by Ms Rachlin in her Right of Reply.

the values of scheduled historic heritage features and SASMs than without those controls; and

- That the loss of 71 feasible and realisable residential units over the next 30 years does not result in the PDP failing to recognise the national significance of urban development. This is particularly the case given the capacity enabled by the PDP over that period. I consider that recognition of the national significance of urban development means recognising the outcomes of the NPS-UD objectives together and not simply the sum of Policy 3 or development capacity enablement.

187 Overall, based on the unchallenged expert evidence and planning regime, I consider that the PDP better achieves the purpose of the Act with these qualifying matter controls in place and better achieves the objectives of the NPS-UD and MDRS objective 1.

Qualifying Matter – shading controls:

188 This was proposed as part of Variation 1 in accordance with section 771(j) of the RMA (which was described in the hearing as the “catch-all” qualifying matter provision). The shading control was proposed to address a concern that adverse shading effects will result from the erection of tall buildings in particular locations that will be detrimental to achieving a healthy built environment. In particular this concern is that the identified loss of mid-winter sunlight, resulting from the erection of tall buildings on neighbouring land, will be of a degree that it impacts on peoples’ health and well-being. As described in the McIndoe Urban Design Memo 20⁷⁸, the controls are intended to address the following concern:

⁷⁸ See part 4.4

... the reduced heights are recommended to mitigate the worst of effects on the worst affected lots rather than all shading effects on all lots.

(my emphasis)

189 Objective 1 to the NPS-UD and Objective 1 of the MDRS, effectively apply the overall purpose of the RMA to the outcomes sought for urban environments. The purpose of the RMA, as set out in section 5 is to “promote the sustainable management of natural and physical resources”. The term “sustainable management” means managing the use, development, and protection of physical resources in a way, or at a rate, which enables people and communities to provide for their health and safety (amongst other matters).

190 The areas that are proposed to be subject to the shading control were modelled as being at risk of losing mid-winter sunlight. This was described in the McIndoe Urban Design Memo 20 as follows⁷⁹:

These diagrams demonstrate that the combination of height and HIRB proposed to be used throughout the city provides reasonable sun exposure for development on the tested steeply south facing site for 9 months of the year. However, sun exposure is significantly restricted at mid-winter and during the three months around it.

This [is] because significant proportions of the dwellings down the slope will receive no mid-winter sun for a period of three months or so.

191 The modelling and assessment described in the McIndoe Urban Design Memo 20 clearly demonstrates that a shading effect will arise in these circumstances for sites that are downhill of steep, south facing sites, and that reliance simply on height in relation to boundary controls will not sufficiently mitigate that effect. I am not aware that Kāinga Ora has

⁷⁹ See part 3.4

directly challenged these findings. Mr Rae’s evidence is silent on this matter, but he does state in paragraph 6.15 of his primary statement of evidence:

I acknowledge that the Height Control – Shading C (9m or 2 to 3 storeys) is proposed to apply to sites in Mana, and Height Control – Shading B (14m or 4 storeys) applies to Paremata, which may suggest that an overall height standard in Mana of 11m is more appropriate. I consider that the planned urban built form should also be in response to landform / landscape.

(my emphasis)

192 I consider that the degree of shading identified in McIndoe Urban Design Memo 20 represents a poor urban built environment outcome and will result in effects on the health of the people living in the affected dwellings. The importance of sunlight in new developments is well established as witnessed by the long established use of height in relation to boundary standards and guidance/design tools such as the Auckland Design Manual⁸⁰, the National medium density design guide⁸¹ and the BRANZ Level tool⁸².

193 Less well established is the “externality” cost of a loss of sunlight. The above mentioned guidance/BRANZ design tool focus on providing good daylight and sunlight to new homes and not effects on existing homes from new buildings. However, in my opinion the same reasons why we design new buildings to achieve good access to sunlight should be

⁸⁰ Which notes, “Daylight consists of skylight (diffuse light from the sky) and sunlight (direct beam radiation from the sun). These change with the time of day, season, and weather conditions. This variability contributes to pleasant living environments, as does having overall daylighting that is adequate without overheating. Daylight is important for human health and reduces reliance on artificial light, improving energy efficiency and residential amenity.”

⁸¹ Ministry for the Environment, 2022

⁸² BRANZ describe their Level tool as, “...the authority on sustainable building. Level will help you design and build homes which have less impact on the environment and are healthier, more comfortable, and have lower running costs.”

applied to managing the degree of loss of sunlight to existing housing from new, tall buildings.

194 On this matter Ms Williams for Kāinga Ora, in paragraph 7.5 of her statement for planning evidence for Variation 1 acknowledged that:

In this regard, I accept that new buildings that block sunlight could have adverse effects on neighbours' health and wellbeing (otherwise known as residential amenity and comfort). I also accept that reduced access to sunlight could increase heating costs in neighbouring buildings, as darker buildings tend to be colder.

195 Elsewhere, Ms Williams has also acknowledged⁸³:

It is also my understanding that relying on recession planes for taller buildings is not necessarily an effective way to manage shading, because the angle of the sun is below the height of the building for much of the year. For taller buildings on narrow sites, most sun access will be received via the gaps in the built form rather than over the top of buildings. It is my understanding that an effective way to manage sun access in a high-density context is to ensure a building coverage control applies, which encourages gaps between buildings through which the sunlight can penetrate.

(my emphasis)

196 Brendon Liggett, in response to a question from the Hearing Panel Chair, confirmed that health matters were above amenity and are a section 5 RMA matter.

197 In my opinion, while Kāinga Ora oppose the use of shading related height controls in Porirua, the comments from Ms Williams recognise that shading can be a health and wellbeing matter, and that other controls in addition to height in relation to boundary standards may be necessary.

⁸³ Statement of Primary Evidence, dated 10th March 2023, for Plan Change 2: Intensification to the Kapiti District Plan

- 198 The adverse effects on shading/loss of sunlight of the magnitude established in modelling is not simply an amenity value matter. I consider that the shading effects are more than something that “... contribute[s] to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”⁸⁴. Even if shading effects are described as being “residential amenity” it is still a matter that contributes to the health and wellbeing of people.
- 199 In my opinion, sections 77G to 77R of the RMA should be considered within the broader context of the RMA. These provisions do not sit in isolation and in my view, they do not elevate recognising the national significance of urban development above achieving the section 5 purpose of the RMA. To achieve the purpose of the RMA, the PDP must recognise the national significance of urban development in a way that enables people to provide for their health and safety. Objective 1⁸⁵ to the NPS-UD requires this by requiring well-functioning urban environments.
- 200 Although the NPS-UD requires the Council to enable sufficient development capacity, I do not read the provisions to require development capacity in locations that do not achieve a well-functioning urban environment. Furthermore, through the PDP the Council will achieve more than sufficient development capacity to meet the housing bottom lines even taking into account the notified qualifying matters including the shading controls on residential sites and on the Mungavin Netball court complex. I also note that section 31(1)(aa)⁸⁶ of the RMA requires the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected

⁸⁴ Definition of amenity value in RMA.

⁸⁵ And MDRS Objective 1

⁸⁶ Functions of territorial authorities under the RMA

demands of the district. This does not require the enabling of as much development capacity as possible.

201 Section 77J(3) of the RMA sets out the matters that are to be considered in an evaluation report where the Council proposes to accommodate a qualifying matter. In response to the requirements of section 77J(3), I considered shading as a qualifying matter at 11.2.2.1 of the Section 32 Evaluation Report - Part B Urban Intensification - MDRS and NPS-UD Policy 3, as informed by the McIndoe Urban Design Memo 20 and Property Economics (2022) Porirua Variation 1 and Plan Change 19 Qualifying Matters Assessment reports.

202 The McIndoe Urban Design Memo clearly demonstrates which sites are proposed to be subject to the shading qualifying matter.⁸⁷ That analysis describes why the shading effects for those sites cannot be controlled by reliance only on height in relation to boundary controls. In my opinion, this has not been challenged on an evidential basis by Kāinga Ora.

203 Section 77L RMA requires additional analysis to be undertaken in the evaluation report where a “catch-all” qualifying matter is proposed. It requires that the evaluation report identifies the specific characteristic that makes the level of development provided by the MDRS or as provided for by policy 3 to the NPS-UD inappropriate in an area and justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD.

204 In addition, it requires a site-specific analysis that—

- identifies the sites to which the matter relates; and

⁸⁷ That analysis considers the effects of building on steep, south facing slopes, and describes why the development permitted by the underlying zone standards is incompatible with those shading effects.

- evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and
- evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS or as provided for by policy 3 while managing the specific characteristics.

205 As I have identified earlier, the objectives of the NPS-UD are broader than simply the sum of the MDRS or Policy 3 to the NPS-UD. The objectives also do not require the enablement of as much development capacity as possible regardless of any associated social, economic, cultural, and health costs.

206 They require a well-functioning urban environment⁸⁸, supporting competitive land and development markets⁸⁹, enabling more people to live and work in or near a centre zone, or areas well serviced by public transport, or areas of high demand⁹⁰. They also require that New Zealand’s urban environments support reductions in greenhouse gas emissions and are resilient to the effects of climate change⁹¹. In my opinion, recognising the national significance of urban development involves recognising all of the outcomes required by the objectives of the NPS-UD. I also note that MDRS Policy 4⁹² requires, “*enable housing to be designed to meet the day-to-day needs of residents*”. In my opinion this includes access to sunlight.

207 In relation to the shading controls proposed by the PDP, these manage the “worst of the worst” adverse shading effects while still enabling urban intensification up to 16m in height in HRZ, 14m in height in the

⁸⁸ Objective 1

⁸⁹ Objective 2

⁹⁰ Objective 3

⁹¹ Objective 8

⁹² Clause 6 to schedule 3A of the RMA

MRZ-RIP and 9m in height in the MRZ. The PDP, with these controls, greatly exceeds the required development capacity and so supports a competitive land and development market⁹³. It also creates well-functioning urban environments by creating healthy built environments that support a reduction in greenhouse gases, and still enable people to live/work in centre zones or close to centres and areas well-served by public transport.

208 In relation to the second part of the section 77L of the RMA test regarding site specific analysis, how this was undertaken is described in the Section 32 Evaluation Report - Part B Urban Intensification - MDRS and NPS-UD Policy 3 and in more detail in the McIndoe Urban Memo 20. This provides the basis for the geographical area for the shading controls and the range of options considered.

209 Based on the above and in the more detailed response contained later in relation to question 53⁹⁴, I consider that:

- The PDP better achieves the purpose of the Act and better achieves the objectives of the NPS-UD and Objective 1 to the MDRS with the qualifying matter controls in relation to managing adverse shading effects of taller buildings on residential properties and the Mungavin Netball courts complex than without those controls; and
- The loss of 540 feasible and realisable residential units over the next 30 years as a result of these controls does not result in the

⁹³ Sufficient development capacity including the required capacity supports competitive land markets and development capacity. The Property Economics report for PCC, Property Economics (2022) Porirua Variation 1 and Plan Change 19 Qualifying Matters Assessment identifies that the shading controls, including those around the Mungavin Netball courts facility, result in the loss of 540 feasible and realisable residential units over 30 years. This still leaves an enablement of 26,954 (including greenfield land) realisable residential units over 30 years against a housing bottom line of 13,978 over the same period.

⁹⁴ Question 53 in Minute 60 seeks a more detailed narrative of how shading qualifying matters in relation to the statutory requirements.

PDP failing to recognise the national significance of urban development. I consider that recognition of the national significance of urban development means recognising the outcomes of the NPS-UD objectives together and not simply the sum of Policy 3 or development capacity enablement.

Evidential basis for height control - shading

210 Question 53 of Minute 60 seeks further information on the evidential/evaluation basis for the shading height controls. These are Height Control – Shading A in the HRZ-High Density Residential Zone, Height Control – Shading B in the MRZ-Residential Intensification Precinct, Height Control – Shading C in the MRZ-Medium Density Residential Zone, and Height Control – Shading D (sites around Mungavin Netball Courts facilities)⁹⁵.

211 I will address each part of question 53 separately below.

What is the evidential basis for identifying shading as a specific characteristic that makes the level of development provided for by NPSUD Policy 3 or the MDRS inappropriate in the district?

212 This is provided by the modelling shown in part 3 to the McIndoe Urban Memo 20 and the built form scenario testing included in the Studio Pacific Architecture (2020) Memorandum – Shade Study of Residential Intensification Precincts C, J & K in relation to the effects on the Mungavin Netball courts. The results for Mungavin Netball courts are shown diagrammatically in the Studio Pacific Architecture (2020) Memorandum Appendix. The Studio Pacific Architecture reports have been available for viewing on the PCC website since 2020.

⁹⁵ This has the most restrictive height control of 8m. Kāinga Ora have not opposed this control.

- 213 The McIndoe Urban study modelled shading from up-slope buildings erected to the permitted height for each zone or precinct on downslope buildings that were also assumed to be built to underlying zone/precinct building height standard. The shading impact on downslope two storey buildings was also tested.
- 214 The analysis was undertaken at midday in mid-winter. That is on 22 June when the sun reaches a highest altitude of 25° at 12.22pm. The shading at actual mid-winter is extreme, and not necessarily the most representative basis for considering mid-winter shading. For that reason, the shading effects at the beginning (11 May) and end (3 August) of the three months of winter was used as a check.
- 215 The modelling used the 31° maximum sun altitude on the above dates in relation to various combination of height and height in relation to boundary standards for each zone/precinct. The maximum sun altitude of 48° at the equinoxes was also modelled.
- 216 The diagrammatic analysis assumed the following:
- A typical lot being 40m deep;
 - A diagrammatic 'test' building volume, being a 12m deep dual aspect residential building, placed 26m away from the rear boundary and 2m back from a front boundary;
 - The building is located down a 15 degree slope and due south of an up-slope volume which is built to the maximum envelope for each of the three residential zones/precincts; and
 - The scenario tested included uphill test buildings being situated on south facing 15° slope and on a flat site that was level with the boundary to the north.
- 217 Diagrams demonstrate the results which are summarised in the table below⁹⁶:

⁹⁶ Table 15 in Section 32 Evaluation Report Part B: Urban Intensification - MDRS and NPS-UD Policy 3

Zone and Proposed standards	Sun received at the winter solstice by the north wall of a hypothetical residential building on a flat site to the south	Sun received at the winter solstice by the north wall of a hypothetical residential building on a site that slopes down at 15° to the south
HRZ 22m and HIRB 8m + 60°	59% (13m) of a 22m high building	18% (4m) of a 22m high building
MRZ-RIP 18m and HIRB 6m + 60°	78% (14m) of a 18m high building	22% (4m) of an 18m high building
MRZ 11m and HIRB 8m + 60°	100% (11m) of the 11m high building	27% (3m) of an 11m high building

218 The following results were found where a downslope two storey building was assumed (i.e. most likely current and foreseeable situation) in the MRZ-Medium Density Residential Zone and the MRZ-Residential Intensification Precinct:

- In the MRZ-Medium Density Zone, a two-storey building as tested 10m down the slope will receive no north sun during the winter months.
- As the two-storey test buildings on a 15° slope get closer to the rear boundary the shading effects become greater.
- In the MRZ-Residential Intensification Precinct an existing two-storey building down the slope will be completely shaded irrespective of its location on a 40m deep lot.

219 Mr McIndoe, in the McIndoe Urban Design Memo 20, concludes in part 3.4 of that memo that:

I consider that the degree of shading that will be experienced down the slope in these tests is not consistent with providing reasonable levels of residential amenity. It will consequently compromise well-being and risk undermining the health of residents. This [is] because significant proportions of the dwellings down the slope⁹⁷ will receive no mid-winter sun for a period of three months or so. While it is common to accept that a development might have a small proportion of dwellings that don't fully meet expectations for mid-winter sunlight, the situation demonstrated with this analysis shows that sunlight access falls far short of that when a site slopes steeply to the south.

220 In relation to shading effects to the Mungavin Netball Court facility, the Studio Pacific Architecture (2020) Memorandum – Shade Study of Residential Intensification Precincts C, J & K was commissioned by Kāinga Ora in relation to the Eastern Porirua Residential Intensification Precincts included in the 2020 PDP.

221 This modelled the existing topography for the proposed precincts and surrounding sites as well as existing building footprints on sites surrounding each precinct, based on PCC GIS dataset.

222 Scenarios were then based on the volume within which a building could be erected, these being height, setbacks and height in relation to boundary standards. The scenarios were:

- Draft 2020 PDP MRZ-Medium Density Residential Zone:
 - Height – 11m
 - HIRB – 3m x 45°, 3m x 55° for northern boundary
 - Setbacks – 2m from road and 1m for all other boundaries

⁹⁷ These may be either new or existing dwellings.

- Draft 2020 Eastern Porirua Precinct scenario, consisting of:
 - Height – 15m
 - HIRB – 3m x 45°, 3m x 55° for northern boundary or 8m x 60° where a site adjoins a public open space.
 - Setbacks – 2m from road and 1m for all other boundaries
- Draft 2020 Eastern Porirua Precinct scenario with a more restrictive height in relation to boundary standard for sites adjoining the Mungavin Netball courts:
 - Height – 15m
 - HIRB – 3m x 45°, 3m x 55° for northern boundary
 - Setbacks – 2m from road and 1m for all other boundaries

223 Each scenario was modelled in the 8am (9am winter) morning, midday and afternoon (4pm) at the summer solstice, equinox, and winter solstice. Further modelling was done for the shading effects on the Mungavin Netball Courts facility at hourly intervals at mid-winter.

224 The results were assessed by Julian Emeny, PCC's Parks Manager, in his report - District Plan Zoning and Shade Implications for Mungavin Park, which has also been available for viewing on the PCC website since 2020. This found that under each scenario, there would be adverse safety effects for players using the courts and for the comfort of spectators due to factors such as the build-up of mossy, slippery surfaces due to extensive shading in winter and reduced drying time for the courts. Mr Emeny's report notes that this would be particularly relevant to the lower courts 1-4 which are the premium courts and have had significant investment with sports quality pole lighting to enable play to continue after dark. The comfort of spectators and the overall usability of the Netball facilities would be reduced due to the shading effects under all three scenarios. Mr Emeny states that:

The proposed increase in shading affects the usability of this critical community recreational facility. Increased shading creates significant health and safety issues, as the reduced amount of sunlight on the courts will mean reduced drying of the court surfaces. The sun is a natural disinfectant reducing the incidence of moss and algae. Increased shading results in the courts remain damp and wet for longer periods. There will be greater risk of moss and algae from

the additional shading which create slimy and slippery conditions. Slippery conditions for a high speed and intense movement sports such as netball, makes the courts unsafe for the netball players to use. Increased shading is likely to create situations where players are more likely to get injured. It will reduce the function of the courts for the sport they are intended for.

225 As I have discussed earlier in paragraph 99, I consider that recognising the national significance of urban development and the objectives of the NPS-UD require controls of the types proposed in Variation 1 on building heights to manage adverse shading effects that will result from erecting tall buildings in particular locations; these being steep, south facing slopes and around the Mungavin Netball courts facility. In my opinion it is not a binary test of enabling intensification under NPS-UD Policy 3(c) or (d) versus achieving the objectives of the NPS-UD. Instead, Policy 3 must be implemented in a way that achieves the NPS-UD objectives. Only in so doing will the national significance of urban development be appropriately recognised.

What is the justification for considering that that characteristic makes the level of development provided by the MDRS or as provided for by NPSUD Policy 3(c) or (d) inappropriate in light of the national significance and the objectives of the NPSUD?

226 In relation to the residential shading height controls, I have identified the results of modelling undertaken by Graeme McIndoe and described in the McIndoe Urban Design Memo 20. This is at paragraphs 212 to 219 above and which show the scale of shading/loss of sunlight to new buildings erected to underlying zone/precinct permitted heights and on two storey buildings, the latter representing the most likely scenario over the life of this district plan. This included the complete loss of mid-winter sunlight for two storey buildings down slope in the MRZ-Residential Intensification Precinct (and by extension in the HRZ-High Density Residential Zone).

- 227 Even where taller buildings are erected on these downslope sites in line with the permitted building heights, only the top 4m of a 22m high building (in the HRZ) or an 18m high building (in the MRZ-RIP) would receive midwinter sunlight. In the MRZ only the top 3m of an 11m building would receive this sunlight.
- 228 The opinion of Mr McIndoe is set out in paragraph 219 about the loss of sunlight, and I concur with his concerns.
- 229 Earlier in my Right of Reply I have provided a summary of the assessment undertaken by the PCC Parks Manager in 2020 of the shading effects of taller buildings on the Mungavin Netball Courts facility. This has not been challenged by any submitter and in my opinion, weight should be given to their assessment and findings in terms of justifying the height controls on sites around the netball court complex.

Where is the assessment of costs and broader impacts of imposing the shading related height limits?

- 230 As I set out earlier, I do not consider that this requires the assessment of quantifiable costs and benefits on each and every site subject to the qualifying matter controls. Nor are “costs” and “broader impacts” of imposing those controls simply limited to assessing negative effects on the affected landowners.
- 231 Within the context of achieving the purpose of the Act, “broader impacts” also include how managing adverse shading effects will involve:
- managing the use, development, and protection of physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while, while-
 - avoiding, remedying, or mitigating any adverse effects of activities on the environment.

232 In my response, dated 23rd March 2023, to interim questions from the Hearing Panel I identified that the assessment of costs and broader impacts was contained generally throughout section 11.2.2.1 of the Section 32 Evaluation Report Part B: Urban Intensification - MDRS and NPS-UD Policy 3 and relied upon the expert reports listed in that reply.

233 The Studio Pacific Architecture (2020) Memorandum – Shade Study of Residential Intensification Precincts C, J & K in relation to the effects on the Mungavin Netball courts does not undertake an assessment of costs and broader impacts over and above the scenario testing I identify earlier in paragraphs 220-223. However, the report from Julian Emeny, PCC Parks Manager in 2020, identified that in addition to the direct health and safety aspects for the netball players, the following impacts would arise:

- Shading to spectator bleachers affecting the comfort of spectators;
- Overall usability of an important recreational facility;
- Compromised investment in upgrades to the facility due to the un-usability of the netball courts; and
- Increased population density likely to increase demand and use of facilities such as the Mungavin netball courts.

234 I also note that only 18 individual properties are subject to Height Control Shading – D, of which 10 are Kāinga Ora properties. The sites are generally narrow, for example ranging from 8.3m in width at 6B McKillop Street to 19.6m at 32 McKillop Street. As such, it is likely that height in relation to boundary controls will limit building heights on the sites, unless the sites are amalgamated, as well as the shading height control.

235 The Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation addresses the issue of health and wellbeing and how Objective 1 to the NPS-UD requires well-functioning urban environments, including providing for people’s health and wellbeing. It

then summarised the findings of the McIndoe Urban (2021) Indicators of Health & Wellbeing in the Built Environment, including the role of access to sunlight. This is important to note as it provides a context for this determinant (sunlight/shading) and associated Variation 1 shading controls, their overall contribution to achieving healthy built environments and hence to the broader impact of achieving this outcome. This links the shading determinant and associated controls to the purpose of the RMA, as set out in section 5 and effectively repeated in Objective 1 to the NPS-UD⁹⁸. This also applies to the ability to continue to use the Mungavin Netball courts in relation to physical activity and social interaction, also identified as important determinants in creating healthy built environments in the McIndoe Urban (2021) Indicators of Health & Wellbeing in the Built Environment.

236 McIndoe Urban (2021) Indicators of Health & Wellbeing in the Built Environment identifies the following broader impacts of access to sunlight, physical activity, and social interaction:

- Increased energy efficiency of buildings;
- Comfort for occupants of buildings;
- Production of vitamin D and serotonin, which is necessary for sleep hygiene and maintenance of circadian rhythms;
- Increased property values;
- Reduction in risk of respiratory disease and chronic illness;
- Promoting mental health and improving social interactions; and
- Increased participation in community and cultural activities.

237 The McIndoe Urban Design Memo 2020 looked at the costs and the broader impacts of the controls by running a number of scenarios including assuming full height down slope buildings and two-storey down slope buildings, as well as differing combinations of building height

⁹⁸ And MDRS Objective 1

and height in relation to boundary controls⁹⁹. Table 2 to that memo sets out the findings of each combination and the effect they have on mitigating adverse shading effects. This showed that use of height in relation to boundary controls achieved inconsequential shading reductions.

238 Related to the above findings, Property Economics in their 2022 report, Porirua Variation 1 and Plan Change 19 Qualifying Matters Assessment note that in the HRZ-High Density Residential Zone and MRZ-Residential Intensification Zone the impact of reduced building heights would be limited by the effects of height in relation to boundary controls¹⁰⁰. They note:

In cases where the recession planes limit the buildable height to less than the maximum height of the Control Layer, then the Control Layer will not affect the capacity potential.

239 In other words, a contributor to lost development capacity and hence cost to landowners in the HRZ or MRZ-RIP is derived from the underlying height in relation to boundary standard for that zone/precinct, which are not subject to any qualifying matter limitations.

240 The Property Economics report identifies that the costs to landowners from the height controls fell mainly on those with sites in the MRZ-Medium Density Residential Zone from Height Control – Shading C. This reduces building heights from 11m to 9m¹⁰¹ and so limits development to two-storey.

⁹⁹ See parts 3 and 4 for full details

¹⁰⁰ See pages 26 and 27

¹⁰¹ The report does not refer to Height Control – Shading D which at 8m also has the effect of limiting development to two storeys on the affected sites. However, relatively few sites are subject to this control compared to Height Control – Shading C.

- 241 Overall, the Property Economics report found that in terms of costs in relation to feasible and realisable housing typology¹⁰² there would be no loss of apartments due to the height controls and that the number of realisable standalone dwellings would increase by 91¹⁰³. However, there would be a loss of 625 realisable terraced houses.
- 242 A broader impact of the above, therefore, is that it “disenables” intensification (terraced housing) in the MRZ-Medium Density Residential Zone, while continuing to enable it (terraced housing and apartments) in more appropriate locations in the form of the HRZ-High Density Residential Zone and MRZ-Residential Intensification Precinct.
- 243 The Property Economics report in part 9 undertakes a cost benefit analysis of the various qualifying matters. This notes that the cost nearly all falls within the MRZ-Medium Density Residential Zone rather than the HRZ or MRZ-RIP. Overall, they find that the loss of development capacity is minimal and is unlikely to materially affect the total quantum of development in Porirua.
- 244 They then note that whether the height controls deliver a net economic benefit is a question of the relative cost imposed upon the individual property owners affected. This is, whether the additional market value loss in sunlight hours by virtue of them being located on southern-facing slopes, is greater than the cost (due to lost development potential) imposed upon sites within the Height Control areas.
- 245 Overall, the Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3, based on the expert reports listed above, found that Variation 1 provided an appropriate planning response to the issue of shading when the costs and broader impacts of the controls are

¹⁰²Table 7

¹⁰³ Ibid

considered alongside the adverse effects being managed. They are necessary to:

- managing the use, development, and protection of physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while, while-
- avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Where is the evaluation of different options to achieve the greatest heights and densities provided by the MDRS or as provided for in NPSUD Policy 3, while managing the specific characteristics sought to be protected?

246 In relation to the residential shading controls these are contained in Part 4 of the McIndoe Urban Design Memo 20. Table 2 to that memorandum set out all the building heights and height in relation to boundary combinations tested. This is summarised in part 11.2.2.1 of the Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3, as follows:

The report then undertook an analysis of the density standards to determine the minimum level of modification required to achieve healthy built environments. This considered 22 different combinations of building height and height in relation to boundary standards. It found that modifications to the height in relation to boundary standards were not necessary and that changes to building heights would be more effective.

247 The evaluation undertaken by McIndoe Urban arrived at the following height controls¹⁰⁴ as representing the minimum necessary to manage the specific characteristics sought to be protected:

- HRZ – 16m instead of permitted 22m (achieves a reduction of shadow length by 27% relative to permitted height)
- MRZ-RIP – 14m instead of permitted 18m (achieves a reduction of shadow length by 22% relative to permitted height)
- MRZ 11m – 9m instead of permitted 11m (achieves a reduction of shadow length by 18% relative to permitted height)

248 In relation to the Mungavin Netball courts shading controls, this is derived from a combination of the three scenarios tested in the Studio Pacific Architecture (2020) Memorandum – Shade Study of Residential Intensification Precincts C, J & K and the assessment¹⁰⁵ undertaken by Julian Emeny, PCC Parks Manager in his report, *District Plan Zoning and Shade Implications for Mungavin Park*. This found that increasing the height from 8m to 11m and more would have adverse effects on the safety of players, usability of the netball courts facility and its ability to operate as a key community resource.

249 The above represents my response to question 72 which is related to question 53.

35 Terrace Road

250 Minute 60 contains a number of questions in relation to this property which is proposed to be subject to two qualifying matters – Height

¹⁰⁴ I would note that these reduced building heights still benefit from the exemptions listed in MRZ-S2 and HRZ-S2 relating to chimneys, antennae, solar panels, lift overruns, and satellite dishes.

¹⁰⁵ There is a mistake in the conclusion of his report which refers to the preferred height as being 11m rather than 8m as set out in the report.

Control – shading and Radio Transmission Height Control Area. I shall address them here.

251 In response to question 50 I can confirm that the Council has not quantified the tangible and intangible costs of the above height controls specific to this property. In relation to the Height Control – Shading, the Council’s methodology¹⁰⁶ undertook a site by site analysis of the shading effects of tall buildings to downhill sites.

252 I would also note that section 77J requires an assessment of costs and broader impacts of imposing the Height Control-Shading and the Radio Transmission Height Control Area. It does not require that these are quantified.

253 In response to question 69 I would comment as follows.

254 *Question 69)(a):* The Council’s GIS team have reviewed the 3D model of the district and identified the following slope gradients at the indicated representative cross sections:

- Between 31 Terrace Road and 35 Terrace Road: 15.1° along the red profile line
- Between 35 Terrace Road and 3 Vela Street: 12.1° along the red profile line and 34.2° along the blue
- Between 3 Vela Street and downhill to southern side: 37.8° along the red profile line and 13.9° along the blue

255 I include in Appendix 6 GIS diagrams showing the slope gradients.

¹⁰⁶ Described more fully in the McIndoe Urban Design Memo 20

256 Question 69)(b): The Height Control – Shading controls are site specific controls¹⁰⁷ and as such are applied at a site level, so the whole site is subject to the control. The methodology for identifying these sites included¹⁰⁸:

3. *The provisional HVCA boundaries identified in the initial desk-top study were reviewed, refined and verified in a series of workshops with PCC officers. This was informed by PCC's three dimensional GIS model of the city. The model presented several layers of information which were used in assessing the lots.*

– Layering of identified areas of steep south-facing slopes and cadastral boundaries over a 3D contour model which allowed the shape of the land on and around all lots to be seen from any direction.

– Layering of a 3D model of existing buildings over the above 3D contour model.

– Shade from existing buildings over the 3D contour model. (Shading at midday on 22 June was viewed).

257 The methodology and it's review process also removed from the shading controls any sites considered marginal.

258 Question 69)(b) asks what options are available to address the use of controls where they do not discriminate between a part of a site that give rise to the downhill adverse shading effect and where those parts where they do not. In my opinion there are two main options for managing the shading effects. In Appendix 5. I identify these and the pros and cons of each.

259 I consider that the notified Variation 1 approach is superior to the alternative and would give appropriate recognition to the national

¹⁰⁷ Table 18 to the National Planning Standards describes these as, "A specific control spatially identifies where a site or area has provisions that are different from other spatial layers or district-wide provisions that apply to that site or area (for example where verandah requirements apply, or where a different maximum height on a particular site applies)."

¹⁰⁸ 2.3 to the McIndoe Urban Design Memo 20

significance of urban development as it results only in a relatively small loss of residential units over the next 30 years, while managing an adverse effect on the health and wellbeing of people. The proposed provisions provide a level enablement at 26,954 realisable residential units which is well above the demand of 13,978 over the next 30 years.

260 Question 69)(c) asks whether shading effects were intended to address situations such as at 3 Vela Street where:

- the northern wall of the property is hard up against a bank, so receives little sunlight now for large parts of the day; and
- any structure on the northern part of 35 Terrace Road will cause shade to the downhill site due to the way the site has been benched.

261 The controls are intended to manage adverse shading effects both now and into the future to ensure a healthy built urban environment. I would also note that these controls are intended to “..mitigate the worst of effects on the worst affected lots rather than all shading effects on all lots”¹⁰⁹. Mr McIndoe, in his Right of Reply, also addresses this issue and confirms that the controls are not intended to address this specific situation nor unique examples like it. However, they would help manage new developments at 3 Vela Street to receive some mid-winter sun.

262 In my opinion, this does not derogate from the need to manage the adverse effects on existing and new development as identified by the modelling work recorded in McIndoe Urban Design Memo 20. The situation at 3 Vela Street is unique and, in my experience, unusual in that it presents a roof to the north. This situation should not be assumed at other sites where the shading controls are proposed.

¹⁰⁹ See 4.4 to McIndoe Urban Design Memo 20

263 In relation to question 69)(d), I do not alter my recommendation in relation to 35 Terrace Road. I am satisfied that sufficient evidence exists to warrant the height controls on this property, and that applying them at a site level is the most efficient and effective method by which to do so.

264 In relation to question 70) the shade controls do appear as a map layer. This can be seen in the screenshot below taken from the planning maps on the Eplan. The legend to the right hand side clearly shows the identifier for the Height Control (variation 1) on the planning maps.



Figure 32 – Extract from online planning maps

The screenshot below is also from the planning maps on the Eplan and shows property specific data to the left hand side, for 35 The Terrace. This is shown when the property address is searched for in the property search tool or alternatively by simply clicking onto the property in the planning maps. In my experience this is how most people access district plan provisions for their property.



Figure 33 – Extract of property search for 35 Terrace Road using PDP online mapping tool

265 As I discussed in my oral presentation, there is a temporary issue in that the PDP planning maps must show two sets of maps, those from the 2020 notified version and those from Variation 1. This means that a plan user must currently click the Variation 1 map layers to view these - see screenshot below:

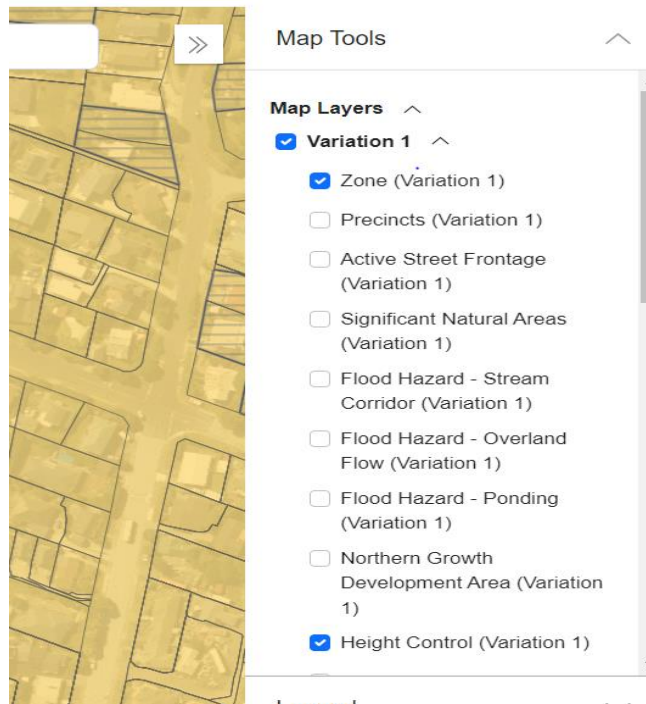


Figure 34 – Extract from online PDP showing map layers

266 This is a temporary issue which will be resolved when the PDP becomes operative.

Question 65: If the Hearing Panel accepts Kāinga Ora's proposals to upzone urban areas (i.e. from MRZ to HRZ or to apply an RIP where one was not notified), would the resulting increase in height enabled give rise to shading of downhill sites that the Council's methodology indicates should be the subject of a new height variation control? If so, please provide maps identifying the relevant areas?

267 The planning maps already identify sites where height controls are necessary to manage adverse shading effects. These are zone based, as follows:

- Height Control – Shading A (16m height limit): Applies to identified sites in the HRZ;
- Height Control – Shading B (14m height limit): Applies to identified sites in the MRZ-Residential Intensification Precinct; and
- Height Control – Shading C (9m height limit): Applies to identified sites in the MRZ.

268 Consequently, should the Hearing Panel upzone urban areas, then new height variation control sites do not need to be identified but the control type would need amending. For example, for areas rezoned from MRZ to HRZ, any shading related height variation controls would need to be amended from Height Control – Shading C to Height Control – Shading A.

Question 45: If not contained in the above, can Mr McIndoe please provide a map of the area he agreed with Mr Rae should be HDRZ at Paremata.?

269 Mr McIndoe, in his Right of Reply, confirms that he did not agree that any areas of Paremata should be rezoned to HRZ-High Density Residential Zone. Instead, he was referring to sites where he

considered specific controls could enable building heights of up to 22m instead of the underlying 18m height standard¹¹⁰.

270 I show these sites in the map below:



Figure 35 – sites recommended by Mr McIndoe for 22m height limit at Paremata

Submitter OS105: Jenny Brash

271 Ms Brash appeared before the Hearing Panel on the 4th April 2023 in support of her submission opposing High Density Residential zoning at Motuhara Road. During her presentation, Ms Brash repeated the concerns raised in her submission¹¹¹ in relation to the windiness of the area, poor unconsolidated soils being unsuited to supporting large

¹¹⁰ Height standard for MRZ-Residential Intensification Precinct.

¹¹¹ This is summarised in 7.18.6 of the Officers' Report: Part A – Overarching Report

buildings, shading effects due to closeness of the houses and poor vehicle access and lack of parking. She was additionally concerned with the risks of slips in the area.

272 I listened carefully to Ms Brash and her concerns but my assessment and recommendation in 7.18.6 of the Officers' Report: Part A – Overarching Report, remains my position in relation to her submission. I continue to recommend that submission OS105.1 be rejected.

Minute 62 – Plimmerton Residents Association

273 I have read the submitter's statement and can advise that in relation to the changes they identify to the platforms at Plimmerton railway station, this was raised in their feedback on draft Variation 1. Appendix G to the Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3 set out the Council's response to feedback. This stated:

Mapping of HRZ reviewed to consider changes to access arrangements at Plimmerton train station. The walking catchment from the train station was remodelled based on pedestrian entrances and exits to the stops or stations. The Council's mapping methodology adopted this approach for train stations and other factors such as primary schools, open space and supermarkets. This aligns with government guidance¹¹². No changes were necessary.

274 In terms of their mapped distances from various locations contained in the statement, I have not had time to review these together with the Council's GIS team. This will be done by way of an addendum to this Right of Reply by the 12th May 2023.

¹¹² *Understanding and implementing intensification provisions for the National Policy Statement on Urban Development, MfE*

Date: 28th April 2023

Michael D. Rochlin
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