

**Before the Hearings Panel
At Porirua City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Porirua District Plan

Between **Various**

Submitters

And **Porirua City Council**

Respondent

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

Supplementary Urban Design Evidence

13 March 2023

INTRODUCTION:

- 1 My full name is Graeme Robert McIndoe.
- 2 I have prepared this statement of supplementary evidence on behalf of the Porirua City Council (**Council**) in respect of technical and related urban design matters arising from the expert evidence of submitters on the Proposed Porirua District Plan (**PDP**).
- 3 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 4 My qualifications and experience are set out at paragraphs 4-10 in my 8 February 2023 Statement of urban design evidence
- 5 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 EVIDENCE

- 6 This statement of evidence addresses the following:
 - 6.1 Matters raised by Kainga Ora in the evidence of Mr Rae and also that of Ms Williams.
 - HRZ extension at Kenepuru
 - HRZ at Pukerua Bay
 - Extension of MCZ's 50m/53m maximum height to the north
 - 36m height limit within 400m of the MCZ
 - HRZ HIRB and site coverage rationale
 - Proposed 8m+60° HIRB and provision for six storey buildings in the HRZ

6.2 Matters raised by Foodstuffs North Island Ltd in the evidence of Ms Key:

- Primary frontage to 69A Discovery Drive
- Entrance location in NCZ-S4 Active Frontages
- Potential adjustment to MCZ-S5 Location of parking

EVIDENCE

HRZ extension at Kenepuru

7 Mr Rae [at 5.7, 5.8] provides the rationale for a Kāinga Ora request to rezone an area on the corner of Raiha Street and Kenepuru Drive from the proposed MRZ to HRZ.

8 I agree that this might be rezoned as proposed by Kāinga Ora. Having reviewed that Council GIS mapping data, around half of the site meets three of the four criteria, with the one unfulfilled criteria being 400m to a park. Mr Rae identifies, and I agree, that part of the proposed area to be rezoned is within 400m of Linden Park. Measuring this on screen the nearest corner is some 260m away and around half of that area would be within 400m of Linden Park. I also agree that in terms of recreational access, it is immaterial which Council owns or is responsible for the upkeep of the park, as it benefits all residents around. Given the intent of enablement I support 'upzoning' this site.

HRZ at Pukerua Bay

9 Kainga Ora also propose extension of the HRZ to Pukerua Bay. That lacks a supermarket and for reasons I have identified regarding existing and future state I do not consider this should be rezoned to HRZ. Notwithstanding this, if the Panel were to favour rezoning to HRZ to be critical, on the basis of my review of the GIS mapping prepared for

Pukerua Bay by Porirua City Council, the boundaries proposed by Kāinga Ora appear reasonable¹.

Extension of MCZ's 50m/53m maximum height to the north

10 Mr Rae at section 16 discusses expansion of the MCZ to the north and [at 16.10 (a)] a 53m maximum height and models this in Attachment D, drawings Sk01 – Sk03. In my opinion, extending the maximum height from the LFRZ's 22m to the 50m MRZ permitted height (53m as recommended in my 8 February 2023 Statement of evidence in response to Kāinga Ora submission) risks poor urban design outcomes:

10.1 Maintaining a reduction in height from the higher parts of the city centre is necessary to achieve a scale transition to relate to the adjoining residential zone², and the reasonable expectation of some maintenance of views from that zone.

10.2 50m (or 53m) high, 15 storey buildings which could extend along Wi Neera Drive risk visually dominating the street and open space at the harbour edge.

10.3 A further consideration is wind effects in this exposed location. The public realm around very tall buildings here at the coastal edge and in this area of existing generally low rise development, much of which is likely to remain as relatively low large formal retail, would be subject to wind exposure and downdrafts. Adverse wind effects and downdrafts typically become problematic when the top of a building is exposed to prevailing winds and is more than twice as high as the building in front of it. That notwithstanding, wind

¹ As described on Kainga Ora's Sheet 13 of 13: *Centre: Pukerua Bay*

² I note that Mr Rae at 5.11 appears to acknowledge this principle when he discusses the idea of transition between the 50m of the MRZ and residential areas with a lower height.

effects might be addressed by design although it is prudent to avoid the worst and most difficult to mitigate wind effects.

36m height limit within 400m of the MCZ

- 11 Mr Rae [5.10] discusses Kāinga Ora’s submission to enable 36m or 10 storeys where located within 400m of the MCZ, as depicted on Kāinga Ora’s submission maps 3 and 5.
- 12 I consider there is merit in this change to maximum height given proximity of these areas to the city centre and the train station. Furthermore, beyond mid-winter shading, there appear to be no obvious urban design issues which might preclude such a concept.
- 13 Increasing the maximum height a further 14m above the proposed 22m in these areas will lead to an increase of midwinter shading to areas to the south. This is the most significant negative consequence of providing for increased activity in these two areas. However, for reasons I discuss below I consider the outcome will be acceptable.

Height in the identified area west of Kenepuru Drive

- 14 I have viewed the contours in this area of HRZ just south of the MCZ at the corner of Kenepuru Drive and Titahi Bay Road³ and consider it is suitable to accommodate buildings to an increased maximum height of 36m.

14.1 The height uplift area is set back from steep south facing slopes, so additional shading effects will be apparent, but in my opinion not excessive.

14.2 I am confident that good outcomes will be achieved because comprehensively planned development is likely given that

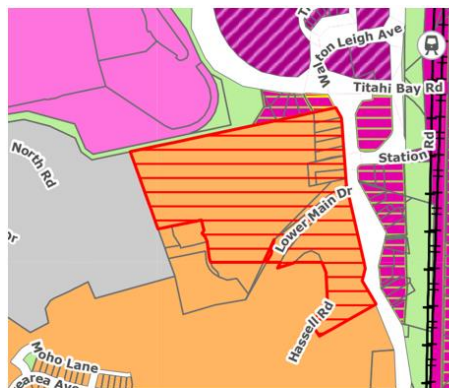
³ As described in Mr Rae’s Attachment F, Adjusted Zone Maps, Sheets 2 of 13 and 5 of 13

the identified lots are large. Therefore these offer excellent potential to locate tall buildings to maximise benefit and avoid adverse effects beyond the site.

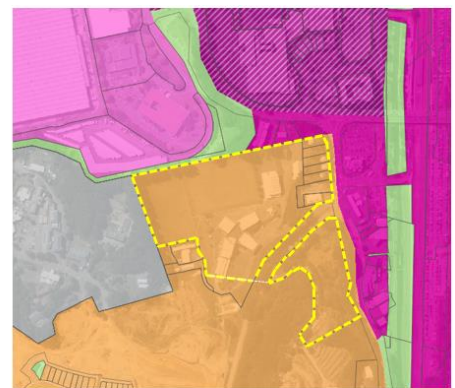
14.3 The Residential Design Guide applies. This addresses relevant matters which will assist with the quality of site planning and the design of tall buildings here. These matters include ‘Design integration and coherence’, ‘Built form and design’, ‘Integrated built form and open space’, and ‘Planning for amenity’.

14.4 Should the Panel accept the increase in maximum height to 36m in this area, The Residential Design Guide’s section C7 ‘Tall Buildings’ which currently applies only to buildings in the Residential Intensification Precinct could also be applied to this height uplift area.

15 Figure 1 describes the recommended areas for adjusting maximum height with reference to the Kāinga Ora Plan.



Area for height uplift west off Kenepuru Drive as identified by Kāinga Ora on Attachment F to Mr Rae’s evidence, Sheet 2 of 13



Recommended area for height uplift at Ranui, immediately to the east of the Mungavin Interchange

Figure 1 Area for height uplift in the identified area west of Kenepuru Drive

Height in that part of the MUZ by Ranui, east of Mungavin Interchange

- 16 Considering the height of the area zoned as MUZ and located to the east of Mungavin Interchange by Ranui centre, while I do not support Kainga Ora’s proposal to change the zoning from MUZ to HRZ, I consider that the maximum height here might be increased to 36m as proposed by Kāinga Ora⁴. This is for the following reasons:
- 16.1 This supports enabling maximum development close to the city centre and train station;
 - 16.2 The area for height increase is wide and open to the west which affords generous outlook to any tall buildings here;
 - 16.3 In urban form terms buildings to 36m would achieve an acceptable transition down from the MCZ located to the west across the motorway, albeit that there is an intervening state highway corridor; and
 - 16.4 Considering the justification of 400m walkable catchment, height uplift here is consistent with the recommended increased height for the similar area at the corner of Kenepuru Drive and Titahi Bay Road.
- 17 At that part of the area south of Mungavin Avenue, the land closest to the state highway drops down towards the west but not to the south, and the contours rise up to and along Awatea Street. Beyond the height uplift area boundaries proposed there is are transitional areas of 22m high MUZ zoned land. These are at the south (by the western end of Kivell Street) and along the edge of Awatea Street (refer to Figure 2). These two factors assist in suitably mitigating view, dominance and shading effects on those parts of the HRZ to the south of this height uplift area.

⁴ My recommended plan extent follows the PDP MUZ boundary, therefore it differs slightly from Kāinga Ora’s proposed height area boundaries.

- 18 I note that while additional height on this area is not shown on Mr Rae’s Attachment C, drawing SK02 which is a comparison of 3D views of the PDP and the Kāinga Ora submission, from an urban form perspective I am satisfied that the proposed maximum height increase here would be acceptable.
- 19 That notwithstanding, planned residential sites in this area to the south and to the west of Awatea Street can be expected to receive further shade at midwinter from any building to 36m on the MUZ uplift area. A further consideration with MUZ zoning of the area east of Mungavin Interchange is that a building to 36m here could be non-residential. However, while residential activities in the upper parts of the building would be preferred here, accessibility benefits of proximity to the train station remain irrespective of the activity in the building.
- 20 Figure 2 describes the recommended areas for adjusting maximum height with reference to the Kāinga Ora Plan. The extent of the area at Ranui proposed by Kāinga Ora does not relate precisely to lot and proposed MUZ zone boundaries so the proposed boundaries for height uplift here have been adjusted accordingly.



Area for height uplift west off Kenepuru Drive as identified by Kāinga Ora on Attachment F to Mr Rae’s evidence, Sheet 2 of 13



Recommended area for height uplift at Ranui, immediately to the east of the Mungavin Interchange. This is a maximum height uplift for the part of the MUZ here identified by the yellow dashed line.

Figure 2: Area for height uplift in the MUZ east of Mungavin Interchange

Compatibility of 36m maximum height with 8m+60°HIRB

- 21 If maximum height is to be increased to 36m in these areas in combination with the HIRB standard, the HIRB must both allow for the intended tall buildings, and suitably address effects on the amenity of residential areas around.
- 22 On a flat site, the PDP HIRB of 8m+60° permits parts of buildings at 22m to be 8.08m from the side or rear boundary. If the maximum height were to be increased to 36m, then the tallest part of that building would be 16.17m from the boundary.
- 23 Bearing in mind a 16.17m setback from residential boundaries, I have reviewed the dimensions of these parts of the HRZ and MUZ zones where height uplift to 36m is being considered. The setback dimensions required by the 8m+60° HIRB are compatible with enabling these potential tall buildings within both of the proposed height uplift areas. I note that at Ranui the HIRB only applies at the boundary of the MUZ zone with a residential zone.
- 24 When a building gets higher its potential effects across the boundary to adjoining residential become greater and it is necessary to mitigate the effects of 36m high buildings in these zones. Therefore, the 8m+60° HIRB remains entirely appropriate in these areas of proposed height uplift.

HRZ HIRB and site coverage rationale

- 25 Mr Rae [at 10.5 states] that *“No building coverage standard has been applied following advice from Mr McIndoe⁵ I understand, due to his recommendation of the 8m+60° HIRB restriction to enable increased density.”*
- 26 This understanding of the rationale for the approach is not correct.

⁵ Mr Rae references my Urban Design Memo #18, table 2.1

- 26.1 There was/is no planned trade-off between 8m+60° HIRB which I consider appropriate in this zone, and site coverage.
- 26.2 The rationale for the proposed permitted 8m+60° HIRB is, from table 2.1, page 8 of my Urban Design Memo #18:
- 8m + 60° allows for the tallest part of a building on a flat site to be built to the recommended permitted height of 22m at 8m from the boundary. That is sufficient to allow separation from tall buildings on adjacent lots in this zone.*
- 26.3 The detailed rationale for having no maximum site coverage standard in the HRZ is in table 2.1, pages 9-11 of my Urban Design Memo #18.

Proposed 8m+60° HIRB and provision for six storey buildings in the HRZ

- 27 Mr Rae [at 10.3] describes testing which demonstrates that to achieve 6 storey buildings using Council's proposed standards, the site needs to be a minimum of 15.1m wide, but that delivers only a 3.5m minimum wide top floor. Such a site is narrow and I agree with Mr Rae [at 10.4] that sites will generally be larger for this type of development. I do not agree that the PDP's 8m+60° HIRB should be changed.
- 28 Most existing residential lots in Porirua City were originally sized and subdivided for single detached dwellings of one or at most two storeys. Therefore, they are inherently unsuitable for six storey development. Mr Rae [at 10.8] and I agree that to achieve six storey development site amalgamation is likely. In such cases six storey development will be possible.
- 29 The HIRB must enable development in walkable catchments while also and at the same time provide for the health and well-being of residents. The implication of addressing these dual outcomes is that where buildings get higher, they need to be further apart in order to

address visual dominance and shading effects. Therefore Council's proposed HIRB is appropriate.

- 30 As to the suitability of this in a Tier 1 city, the 8m+60° is the same as proposed by Auckland Council for the Terraced Housing and Apartment Building [THAB] zone its 'Plan Change 78 Intensification'. Auckland's HIRB applies to developments with four or more dwellings in the THAB zone which seeks to enable development of six storeys (and up to 21m high) within walkable catchments.
- 31 When considering the public environment, the appropriateness of the 8m+ 60° HIRB in providing for visual interest and avoiding visual domination at the street edge relative to Kāinga Ora's proposed 19m+60° is evident when considering Mr Rae's streetscape studies⁶. Kāinga Ora's suggested 19m+60° HIRB for the HRZ would in my opinion contribute to monotony and visual domination of the street edge. The Council's proposed 8m+60° would encourage gaps between tall buildings along the street will assist in avoiding visual domination and providing visual interest by integrating increased skyline variation along the street edge while still allowing for suitable spatial definition.
- 32 Mr Rae's shading studies⁷ also show how the shading on the street arising from the 8m+ 60° HIRB is materially less than that from Kāinga Ora's proposed 19m+60°.
- 33 Considering these studies together and noting Mr Rae's evidence on the importance of street quality to encourage walkability, in my opinion the attractiveness and amenity of the street and hence its walkability is reasonable with the Council's proposed HIRB, and significantly compromised by Kāinga Ora's proposal. The Kāinga Ora 19m+60°

⁶ This is seen in Mr Rae's Attachment E, comparing drawings SK05 and SK06.

⁷ Mr Rae's Attachment E, comparing drawings SK07 and SK08

proposal shows an environment where people will not be attracted to walk⁸, which compromises the success of walkable catchments.

Primary frontage to 69A Discovery Drive

34 I have read Ms Key's evidence [at 6.3- 6.5] for Foodstuffs North Island Ltd [**Foodstuffs**] in relation to this frontage and agree that the site has the unique characteristics that she describes. However, I retain my opinion that a primary frontage standard should apply and reiterate my 8 February 2023 evidence that this must not include a building line requirement.

35 The Local Centre Zone Design Guide anticipates precisely the sort of variation that occurs at Discovery Drive, and that good quality frontages can be achieved where there are setbacks. Guideline G5.1a which is "*Orientate building frontages to the street and public realm, including shopfronts, windows and public entrances*" addresses this⁹. In interpreting G5.1a in relation to this site and development here, the privately owned space around the existing building functions as public realm. Therefore, applying the design guide to the existing development footprint could achieve the same type of outcome as currently exists. This, I agree with Ms Key, appears suitably safe and attractive and I consider that it would not be precluded by the combination of proposed standard and design guide.

36 Of course there is an argument that if there is no primary frontage on this unique site, the Section 5 Frontage guidelines in the Local Centre Zone Design Guide will apply, so the primary frontage standard may be redundant as the matter of appropriate frontage will be addressed anyway. If the Panel considers that to be the case, I could support

⁸ Mr Rae [at 2.7] identifies the importance of catchments with a quality where people want to walk. I consider that Kāinga Ora's proposed alternative HIRB compromises achieving a good quality streetscape and environment for pedestrians.

⁹ Note that the design guide only applies to buildings and additions greater than 450m².

removal of the Primary Frontage requirement from this site as requested by Ms Key.

Entrance location in NCZ-S4 Active Frontages

37 Ms Key for Foodstuffs [at 11.6.] recommends a change to this standard as below:

NCZ-S4 Active frontages

- 1. All buildings must be built up to and oriented towards the front boundary of the site.*
- 2. At least 55% of the ground floor frontage of a building fronting a street, pedestrian mall or other public space must be display windows or transparent glazing.*
- 3. The principal public entrance to the building must be ~~located on~~ orientated to the front boundary*

38 I support this change because NCZ-S4.1 requires the building to be built up to the boundary and in this case it would be a very poor outcome if the front door was required to be flat on the façade and on the boundary. Setback of the principal public entrance may achieve higher amenity and a better urban design outcome in many if not most instances and should be permitted.

Potential adjustment to MCZ-S5 Location of parking

39 Ms Key for Foodstuffs [at 13.5] suggests deletion of text in MCZ-S5 which requires any on-site ground level car parking to be located within or at the rear of the building and proposes that that instead “*parking must be fully screened by a 1.8m high fence or 1.5m deep landscaping where it is visible from the road or any other public area.*” Ms Key also suggests an amendment to the matters of discretion to cover the functional and operational needs of the activity.

40 I do not support Ms Key’s proposal. In my opinion it is not acceptable in the MCZ that a 1.8m high fence is a permitted outcome at the street edge. I also consider that the additional matter of discretion proposed

by Ms Key elevates the risk of a pragmatic parking solution at the street edge and undue compromise to street edge quality and amenity.

41 However, non-compliance with the permitted activity standard is also a trigger for consent, with reference to the MCZ Design Guide which offers potential to deal with open air parking by design. MCZ Design Guide Design objective O2.3 is *“to provide for convenient and functional servicing and parking in a way that maintains a high level of public realm amenity.”*

42 The related MCZ Design Guide Guideline G2.3a and its related explanation (below) recognise open air parking and anticipates resolution of parking treatment and edge landscaping as a design exercise.

G2.3a

Locate parking to be visually unobtrusive, integrate it with good quality building and landscape design, and ensure it does not compromise the quality of adjacent streets and public open spaces, nor the experience for pedestrians.

On-site parking at the frontage in the city metropolitan centre zone should be avoided.

All carparking areas including any setbacks from the frontage for parking should be landscaped, with plant and tree species selected to maintain views between the buildings and public space. Sufficient planting including trees should be used in large areas of carparking to break down their perceived extent and avoid visual dominance.

Planting around driveways and parking areas should maintain key sightlines for drivers and also the pedestrians who will also move through these spaces.

Provide sufficient space for the roots of trees to enable their successful establishment, growth and ongoing viability.

43 Therefore, functionality of the activity is already recognised in the Design Guide. By applying G2.3a the design solution remains open,

offering greater flexibility than a standard. In my opinion based on my previous experience implementing design guides, this will give a high degree of certainty on achieving a functional, high-amenity, site-specific design outcome. For these reasons I do not consider any change to the standard is justified.

A handwritten signature in black ink, appearing to read 'G. McIndoe', with a stylized flourish at the end.

Graeme McIndoe
13 March 2023