

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT PORIRUA**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
KI PORIRUA**

**IN THE MATTER
AND
IN THE MATTER**

of the Resource Management Act 1991

**of the hearing of submissions on the
Proposed Porirua District Plan and Variation
1**

HEARING TOPIC:

**Hearing Stream 7 – Variation 1; Plan Change 19;
Residential; and Commercial Zones**

**STATEMENT OF PRIMARY EVIDENCE OF KAREN WILLIAMS
ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES**

(PLANNING)

24 FEBRUARY 2023

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1. EXECUTIVE SUMMARY

1.1 My name is Karen Tracy Williams, and I am Principal Planner at The Property Group Limited (TPG). I have been engaged by Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) to provide evidence in support of its primary and further submissions to Porirua City Council’s (“**the Council**”) Proposed District Plan (“**the PDP**”) and Variation 1.

1.2 My evidence will address the following matters:

- a. The statutory context created by the National Policy Statement: Urban Development 2020 (updated May 2022) (“**NPSUD**”) and the directive requirements under the Resource Management Act 1991 (“**RMA**”) as amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“**RMA-EHS**”) and the principles that have informed the approach taken in the submission by Kāinga Ora, including seeking to achieve a measure of regional consistency where appropriate.
- b. I recommend that the proposed Design Guides should be used as non-statutory guides. The extent to which development is required to achieve particular urban design outcomes should be clearly articulated in policies / referenced in matters for discretion to enable clear and transparent assessment. The Design Guidelines should be utilised as a tool to inform any assessment.
- c. I recommend changes to identified qualifying matters that restrict application of the intensification directed by the NPSUD and MDRS. Specifically, I recommend removal of the Shading qualifying matter as it relates to steep south facing slopes, and further consideration of the qualifying matter introduced in response to submissions by Radio New Zealand (“**RNZ**”).
- d. I recommend that a walkable catchment enabling intensification of at least 6-storeys (High Density Residential Zone (“**HRZ**”) be applied around all Rapid Transit Stops on the Kāpiti commuter train network, including the stops at Pukerua Bay and Paremata.

- e. I recommend an increase in the spatial extent of the Metropolitan Centre Zone (“**MCZ**”) and commensurate reduction in the Large Format Retail Zone (“**LFRZ**”) with consequential amendments to the MCZ rules.
- f. I recommend an increase in the spatial application of the Neighbourhood Centre Zone (“**NCZ**”) in Pukerua Bay.
- g. I recommend an increase in the spatial application of other walkable catchments not otherwise addressed in (d) above.
- h. I recommend the introduction of a height variation control to HRZ within 400m of the MCZ to enable building heights of 36m (ten storeys). I also recommend amendments to the Height in Relation to Boundary (“**HIRB**”) standard in the HRZ to provide design flexibility near road boundaries to enable residential intensification and a variety of housing form and typologies as anticipated with the planned urban built environment of this zone. However, in relation to the above I consider it necessary to introduce a 50% building coverage standard in the HRZ to work in tandem with the recommended HIRB;
- i. I reflect on whether provisions should reference “healthy” or “amenity” in relation to managing effects from the built environment.
- j. I recommend other amendments to the Residential and Commercial Zone provisions to better achieve the efficient and effective use of land and patterns of development which are compatible with the role, function and predominant planned character of each zone.
- k. I recommend that, in relation to the MRZ and HRZ, that the minimum lot size control within SUB-S1 be removed, and that the shape factor is adjusted to 8m x 15m.
- l. I have recommended wording changes to the objectives, polices, rules and standards as set out in **Appendix A** of my evidence, to the residential and commercial zones.

m. I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

1.3 In my opinion, the underlying principles that have informed the proposed changes set out in Kāinga Ora submissions will better align the PDP with the NPSUD and the purpose, principles and provisions of the RMA as amended by the RMA-EHS.

2. INTRODUCTION

2.1 I have a Master of Resource and Environmental Planning from Massey University, and a Bachelor of Arts from the University of Otago. I have 15 years' experience in working with resource management and planning matters under the Resource Management Act 1991. I am an Intermediate member of the New Zealand Planning Institute.

2.2 I am providing planning evidence on behalf of Kāinga Ora in respect of submissions made on the PDP and Variation 1. My evidence is primarily in relation to the Residential and Commercial topics of Hearing Stream 7, with some recommendations also addressed in regard to submissions made on the subdivision chapter.

2.3 I have worked for local government and in private consultancy. My experience includes the preparation of, and submissions on, proposed district plans, and the preparation and processing of applications for resource consent. I have also prepared evidence for, and appeared in, the Environment Court.

2.4 For completeness I note:

a. Between April 2017 - May 2019 I was a consultant to the Council's District Plan review team. I was primarily involved in the initial policy development for the commercial chapters (excluding the City Centre Zone), and the Hongoeka Special Purpose Zone.

b. I was the Acting Manager of Resource Consents and Compliance at Porirua City Council between February 2019 - June 2019.

- c. Between September 2019 and December 2020, I was engaged as a consultant to provide planning services specific to the Eastern Porirua Regeneration Programme (a project-based team originally formed within HLC, and then Kāinga Ora).
- 2.5 I am familiar with the various IPI plan review processes occurring simultaneously throughout the region as each council gives effect to national direction. In this regard, I have been involved in the preparation of submissions and further submissions on behalf of Kāinga Ora on these other plans in the Wellington region (with direct involvement in submissions on Porirua and Hutt City plan review processes), with a view to achieve a measure of regional consistency.
- 2.6 I was involved with the preparation of primary and further submissions by Kāinga Ora in relation to the PDP and latterly Variation 1 and Plan Change 19. I am also familiar with the national, regional and district planning documents relevant to the PDP.

Code of Conduct

- 2.7 Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of Evidence

- 2.8 Hearing Stream 7 addresses submission points relating to the following broad topics: Variation 1; Plan Change 19; Residential; and Commercial Zones. The corresponding s42A reports split these matters into topic-based reports that reflect the structure of the PDP, as set out below:
- a. Overarching – including Strategic Directions related to Urban Form and Development, Housing Supply;

- b. Residential Zones and General Topics;
- c. Commercial Zones;
- d. District Wide Matters;
- e. FENZ and RNZ;
- f. FUZ, HOSZ, and OSZ;
- g. Plan Change 19 – Plimmerton Farms Intensification.

2.9 The submissions by Kāinga Ora on Variation 1 largely supersede those on the originally notified Proposed District Plan. As such, my evidence has a particular focus on the submissions on this later process¹, unless otherwise noted.

2.10 My evidence will address the following matters:

- a. The strategic approach taken by Kāinga Ora in its approach to spatial planning and achieving regional consistency in urban form.
- b. The role and status of design guides in the PDP and achieving high quality urban built environments.
- c. Changes to the spatial extent of commercial zones, namely the Metropolitan Centre Zone/Large Format Retail Zone and Neighbourhood Centre Zone (Pukerua Bay).
- d. The identification and spatial extent of walkable catchments in residential zones for the purposes of implementing Policy 3 of the NPSUD.
- e. Increased maximum building heights and HIRB controls in identified areas to enable and incentivise a higher intensity of high density residential development.

¹ As set out in Table B2 of the s42A report - Residential; Table B2 of the s42A report - Commercial; Table B2 of the s42A report - District Wide; Table B1 of the s42A report - Overarching

- f. Application of Qualifying Matters – specifically the Shading on steep south-facing slopes and that proposed in relation to RNZ’s transmitter.
 - g. Whether policy direction should reference “healthy” or “amenity” in relation to managing effects from the built environment.
 - h. Introduction of a restricted discretionary rule framework to provide for non-residential/commercial activities on the ground floor of apartment buildings in the HRZ.
 - i. I recommend amendments to the Residential and Commercial Zone provisions of Variation 1 to better achieve the efficient and effective use of land and patterns of development which are compatible with the role, function and predominant planned character of each zone.
 - j. I recommend changes to SUB-S1 to remove the minimum lot size control and revise the shape factor control.
 - k. I have recommended wording changes to the objectives, policies, rules and standards as set out in **Appendix A** of my evidence, where I support changes sought in the submissions by Kāinga Ora that have not been endorsed by the s42A reporting authors.
 - l. I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.
- 2.11 Where appropriate and relevant, my evidence will reference the evidence of Mr Brendon Liggett (Kāinga Ora Corporate), Mr Nick Rae (Urban Design), Mr Mike Cullen (Urban Economist), and Mr Martin Gledhill (Electromagnetic Field Safety).
- 2.12 In preparing my evidence, I have reviewed the s42A report and briefs of evidence prepared by those experts appearing in support of the Council. I note that the relevant statutory documents have been identified and outlined within the s42A reports and I agree with the identification of those matters.

3. AREAS OF AGREEMENT WITH S42A REPORTS

- 3.1 Having reviewed the respective s42A reports, I generally support the following recommendations by the reporting planners on various submissions by Kāinga Ora on Variation 1, and therefore this evidence does not specifically address those matters:
- a. Retaining the centres hierarchy with Mana as a LCZ, rather than a TCZ, and relatedly, the retention of the notified text of UFD-O3 (Urban Form);
 - b. Retaining the spatial extent of the LCZ at Paremata;
 - c. Retaining MRZ zoning of land off Lily Close, rather than rezoning to HRZ;
 - d. Amendments to non-notification clauses within MRZ-R1 and HRZ-R1, both consistent with Kāinga Ora submissions;
 - e. Retaining the notified wording within standards HRZ-S1 and MRZ-S1, recognising that rules HRZ-R1 and MRZ-R1 manage residential development in excess of 3 units;
 - f. Retaining height controls as they relate to managing effects on heritage and Sites of Significance to Māori ("**SASM**") (HRZ-S2, MRZ-S2, MUZ-S1 and LCZ-S1);
 - g. Retaining notified wording within the HIRB controls HRZ-S3 and MRZ-S3 as it relates to managing effects on heritage and SASM, and consequential reference to HH-P17, and amendment of LCZ-S2 to manage this effect;
 - h. Providing for HIRB controls to manage effects on at the interface between the high density and medium density residential zones (HRZ-S3, NCZ-S2), consistent with Kāinga Ora's submission;
 - i. Retention of 1.5m setback from rail corridor (MRZ-S5, HRZ-S4, LCZ-S3, MUZ-S3), consistent with Kāinga Ora's further submissions;

- j. Retaining notified matters of discretion in relation to landscaping (HRZ-S5 and MRZ-S6) and outdoor living space (HRZ-S6 and MRZ-S7);
 - k. Changes to the fence standards HRZ-S10 and MRZ-S11 to provide additional fencing option for sites adjoining public reserves;
 - l. Deletion of the activity reference within MRZ-PREC02-O2, consistent with Kāinga Ora's submission;
 - m. Retaining assessment matters as notified within RESZ-P11 and retention of RESZ-P12 in full;
 - n. Amendments to MCZ-P4 and LCZ-P4 to remove reference to managing reverse sensitivity effects, both consistent with Kāinga Ora submissions;
 - o. Amendment to the height limit in the MCZ from 50m to 53m at MCZ-S1, consistent with the submission of Kāinga Ora;
 - p. Retaining notified wording within the HH-P16, HH-P17, SASM-P9, and SASM-P10 as it relates to height controls;
 - q. Amendment to SUB-P6 to make reference to the High Density Residential Zone and removal of reference to the General Residential Zone, consistent with Kāinga Ora's submission;
 - r. Amendments to Strategic Objective EP-01 Eastern Porirua Regeneration².
- 3.2 The remainder of this evidence addresses key matters of particular interest to Kāinga Ora.

4. STATUTORY CONTEXT AND KĀINGA ORA ZONING PRINCIPLES WHILE ACHIEVING REGIONAL CONSISTENCY

- 4.1 As outlined in its original submission, Kāinga Ora seeks to ensure that the plan provisions align with national planning directions to provide

² Kāinga Ora submitted on this Strategic Objective through the PDP process (81.945 and 81.200). The s42A rejects the relief sought in the submission by Kāinga Ora, and I accept the recommended wording within the s42A report.

well-functioning environments that meet the needs of current and future generations.

- 4.2 The submissions by Kāinga Ora seek amendments to the PDP and Variation 1 to ensure that development opportunities are maximised in locations which are close to public transport and/or employment opportunities and public amenities such as schools, retail and community services. In this way well-functioning environments are formed to provide for the whole communities social, economic and cultural well-being.
- 4.3 This section explains the overarching context and philosophy behind the submissions by Kāinga Ora on Variation 1 and highlights the planning principles and context behind the submission points and the relief sought.

Statutory Context

- 4.4 Under the overarching objective of the NPSUD (Objective 1), which is to ensure 'Well functioning urban environments', Policy 3 of the NPSUD is highly relevant to the approach taken by Kāinga Ora in its submissions on the proposed spatial zoning undertaken within Variation 1.
- 4.5 The NPSUD also seeks to ensure that planning decisions improve housing affordability by supporting competitive land and development markets (Objective 2) and focuses on the identification and promotion of the future character/amenity of urban environments and their evolution over time (Policy 6), rather than protection and preservation of existing amenity, and it promotes and enables compact/efficient urban form and management of effects through good urban design (Objectives 1 and 4).
- 4.6 The RMA-EHS requires medium density residential standards (MDRS) for urban areas and expedites the requirements of policies 3 and 4 of the NPSUD and seeks to address the shortage of affordable housing in New Zealand's main cities.

- 4.7 In my opinion the outcomes of the NPSUD facilitate a paradigm shift in housing delivery across larger urban centres, which is recognised to be transformative in nature and will require a step change in how people perceive intensification and infill development (Objective 4). In doing so, it provides for development opportunities for current people and communities (which is re-enforced by the RMA-EHS) while maintaining a focus on planning outcomes for the long term to benefit future communities.
- 4.8 Appropriate regulatory incentivisation, in the form of enabling planning provisions for substantive infill and intensification, are critical in achieving compact urban form outcomes that capitalise on the favourable location that existing urban areas have to established public transport, service amenities, employment and education opportunities. Certainty of outcome through clear signals on where brownfield development and intensification should occur (supported through enabling planning provisions) reduces the perception of 'risk' within the development community.
- 4.9 Generally, the Kāinga Ora submissions agree and are supportive, at a high level, that the changes proposed through Variation 1 broadly incorporate the matters required by the RMA-EHS and policies 3 and 4 of the NPSUD. However, the Kāinga Ora submissions seek broader application of the enabling framework, including an expanded spatial approach to zoning and introduction of further enabling provisions to more efficiently realise greater levels of intensification. In my opinion, the amendments sought in the Kāinga Ora submissions, that are supported and discussed further in my evidence, maximise the opportunities for intensification within existing urban areas and 'tip the balance' in favour of intensification in a manner that is more aligned with the intent of the NPSUD.

5. ROLE AND STATUS OF DESIGN GUIDES

- 5.1 Kāinga Ora made a number of submissions that have sought to clarify the role and status of the design guides.³ These submissions are consistent with the approach Kāinga Ora takes to this issue both nationally and regionally.
- 5.2 Kāinga Ora agrees that high quality design is important to successfully achieve a well-functioning urban environment, and to support walkable living environments. However, there is a difference of opinion about the most efficient and appropriate method in which to achieve this.
- 5.3 Overall, Kāinga Ora supports design guidance, but seeks that the Design Guidelines generally sit outside of the PDP as a non-statutory document and assist the plan user as a guide in assessment of a proposal against the planned outcomes of the District Plan, which should be more clearly and specifically articulated in the relevant guiding policies and relevant matters of discretion for activities and rules.

Statutory vs Non-Statutory Design Guides

- 5.4 The s42A reporting planner has not supported the submissions of Kāinga Ora that the Design Guidelines have non-statutory status.
- 5.5 I support the use of design guidance; however, it is my opinion that the status and role of such guidance needs to be clear. In my view, it is inappropriate to require *consistency* with the Design Guidelines as a matter for consideration as part of actual policy or rules. This raises concerns about the extent to which a particular proposal complies with a corresponding policy if it were not fully 'consistent' with the accompanying Design Guidelines.
- 5.6 In my opinion, design guidance should be seen as a tool to assist an applicant to achieve the design outcomes expressed within the relevant objectives, policies and/or assessment criteria of the PDP. I consider that the guide is simply that, a guide, and requiring *consistency* with this

³ OS76.4, OS76.6, OS76.12, OS76.15, OS76.33, OS76.39, OS76.42, OS76.45, OS76.46, OS76.66, OS76.350, OS76.351, OS76.352, OS76.65, OS76.35, OS76.320, OS76.291, OS76.340, OS76.257, OS76.322,

within the provisions elevates the guide to a *de facto* rule or standard in its own right.

- 5.7 Instead, in my opinion, the outcomes required to achieve a high quality urban environment should be clearly expressed directly within the policies and rules in the Plan. I consider that this is the most efficient way to clearly convey expected design outcomes so that these can be aligned with the planned urban form of the zone. It also reduces complexity of plan implementation by having the critical outcomes expressed within the single document. I note that this is the approach taken in the submissions by Kāinga Ora, which I support.
- 5.8 In the submissions of Kāinga Ora, the key design outcomes expressed within the Council's proposed design guidance were reformed and articulated directly into amended District Plan provisions (RESZ-P10, MCZ-P7, LCZ-P7, MUZ-P7, and LFRZ-P7). The design outcomes, as expressed through the policies, have been reviewed further by Mr Rae. These revised policies are set out in Appendix A of my evidence.
- 5.9 I acknowledge and agree with the evidence of Mr McIndoe that design guides are generally well understood by developers and their designers, and I agree with and support his view that they are a useful tool to inform the design process and related assessment. However, in my opinion, the Design Guidelines are more appropriate as a non-statutory planning tool that can assist the plan-user in achieving the design outcomes directed within the District Plan provisions. A benefit of this approach is that refinements to the design guidance can be made where monitoring of the effectiveness of design outcomes demonstrates some shortcomings "on-the-ground". An example of this is the widespread change in the requirements for developments to incorporate onsite water detention and the resulting proliferation of above ground tanks, often with insufficient screening and/or resolution into the site planning. In instances such as this, the design guidelines can be updated and amended accordingly to best practice without having to go through a lengthy Schedule 1 process. In this regard, the ability to update guidance in an agile and efficient manner to ensure it can respond to emerging design based issues is, in my opinion, a clear

benefit when considered against the potential scale of change that will be enabled across the urban environment of Tier 1 plans.

- 5.10 From a practice and implementation perspective, I have extensive experience applying statutory design guides to development proposals, particularly in Wellington City, and non-statutory design guidance elsewhere. In my experience, while the statutory guidance at Wellington City is without question beneficial, it is also complex, and at times at cross-purposes with the development standards set out in the District Plan. I also have experience obtaining resource consents for developments in a number of urban jurisdictions where design guidance sits outside of the statutory Plan, including in Hutt City, Auckland and Whangarei. In my experience, the non-statutory urban design guidance is well promoted by each Council, and is typically well-understood by the development community. The design guides remain a useful and highly relevant tool in evaluating quality outcomes, but are not elevated beyond the role of guidance.
- 5.11 There is relevant direction in higher order documents on this issue. I note that Policy 67(a) of Plan Change 1 to the Regional Policy Statement for the Wellington Region (RPS) supports non-regulatory measures such as urban design guidance to contribute to the qualities and characteristics of a well functioning urban environment. The operative RPS, which also anticipates design guidance to be a non-regulatory method. Policy 54 to the RPS for the Wellington Region (RPS), requires district plans to have particular regard to achieving the region's urban design principles, as set out in Appendix two to the RPS. Policy 54 is part of a suite of policies intended to implement RPS Objective 22 (compact well designed and sustainable regional form). In my opinion, the proposed amendments to the policies directing design outcomes gives full effect to this.
- 5.12 Ultimately, if there are critical outcomes that the Design Guidelines are trying to achieve, then these matters should be referred to in the guiding provisions in the PDP. The extent to which a proposal then achieves those outcomes can be measured against the Design Guideline itself, in reference to the relevant matters of discretion. This approach also

ensures that key built form and amenity outcomes being sought within the zones are clearly identified in the engine room of the plan rather than being embedded within a lengthy design guide. In my opinion, this ensures that the matters for discretion required under s 77B(4) of the RMA are clearly set-out and provides clarity and certainty for plan users, rather than elevating an entire design 'guide' to being a matter of discretion.

- 5.13 Finally, I note that the outcome sought within the submissions of Kāinga Ora, and supported within my evidence, appear to be consistent with the approach that the Council has previously taken in the Plimmerton Farms Special Purpose Zone chapter. In this chapter, the design outcomes are expressed directly within the policies.⁴

Amendments to policies to support high quality design outcomes

- 5.14 The submissions⁵ of Kāinga Ora seek amendments to the policy framework specific to achieving high quality design outcomes. These policies are RESZ-P10, MUZ-P7, MCZ-P7, LCZ-P7, NCZ-P3 and LFRZ-P7.

- 5.15 As outlined in the evidence of Mr Rae, the relief sought in the submissions by Kāinga Ora on the above policies are generally supported, but Mr Rae has suggested revisions to more clearly articulate the expected design outcomes. The revisions, as recommended by Mr Rae, are set out in Appendix A to my evidence.

Alternative relief

- 5.16 Were the Commissioners minded to maintain Design Guidelines as part of the statutory plan, as recommended with the s42A report, I am of the view that any reference to development design being *consistent* with the Design Guidance should be reframed to one that *fulfils the intent of the Design Guidance*. In my experience, terms such as "consistent" have the effect of reducing the intended flexibility of the guide to one that is more akin to a compliance criteria, which is not the intention.

⁴ PA_{PFZ}P6 - Urban Design Residential, and PA_{PFZ}P7 - Urban Design Commercial, PB_{PFZ}-P5 Urban Design

⁵ OS76.111, OS76.320, OS76.291, OS76.340, OS76.257.

- 5.17 Notwithstanding the above, I remain of the view the design guides are better placed as a tool in the assessment of matters of discretion associated with development within the residential and commercial zones.
- 5.18 I have recommended a number of amendments to the policy sections of the relevant chapters in **Appendix A** of my evidence to reflect Kāinga Ora's position, as informed by Mr Rae.
- 5.19 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

6. WALKABLE CATCHMENTS AROUND RAPID TRANSIT STOPS FOR THE PURPOSES OF IMPLEMENTING POLICY 3(c)(i) OF THE NPSUD

- 6.1 The NPSUD introduces a requirement to enable building heights of at least six storeys within a walkable catchment of current and planned rapid transit stops (Policy 3(c)(i)).
- 6.2 The Porirua urban environment is serviced by the Kāpiti commuter rail network. The Kāpiti Line is identified as rapid transit in the Wellington Regional Land Transport Plan (RLTP), the Wellington Regional Public Transport Plan, and the Wellington Regional Growth Framework. There are five commuter train stations located within Porirua on this network, being Kenepuru, Porirua City, Paremata, Plimmerton, and Pukerua Bay. These are all recognised as being 'rapid transit stops'.
- 6.3 I support the submissions⁶ of Kāinga Ora that identify that as rapid transit stops, Pukerua Bay and Paremata are subject to Policy 3(c) of the NPSUD, meaning that development of at least 6 storeys must be enabled within a walkable catchment of these train stations.
- 6.4 The Council has rejected these submissions. In giving effect to Policy 3(c) and (d) in determining suitable walkable catchments, it is understood that the Council has considered the following key elements in their methodology:

⁶ OS76.25, OS76.117

- (a) Use of 800m walkable catchments from the Metropolitan Centre Zone (MCZ), train stations and Local Centre Zone (the latter in relation to the MRZ-RIP).
- (b) Identifying walkable catchment to the following key physical resources; supermarket, primary school, and local park.
- (c) Undertaking a detailed review to define and refine zone/precinct boundaries based on a number of principles, including equal treatment on both sides of the street and Zone boundary to follow cadastral boundaries at mid-block and/or at streets and other public rights of way/walkways.

6.5 The Council has determined that the lack of access to broader amenities, including a supermarket, within a walkable distance of the train stations at Pukerua Bay and Paremata would diminish the wellbeing of residents in these locations. As I understand it, the Council position is that these areas do not reflect a well-functioning urban environment – primarily by virtue of their disconnection from urban amenities such as a supermarket and/or open space⁷. Therefore, the Council has elected not to enable intensification of at least 6 storeys in a walkable catchment around these stations, as otherwise directed by Policy 3(c) of the NPSUD.

6.6 I further note that the Council’s proposed spatial extent of the HRZ in Mana, as applied around the Mana train station, is reduced back from an 800m walkable catchment as the area is not served by a primary school⁸.

6.7 The intent of the requirement to intensify in walkable catchments is set out clearly in Objective 3 of the NPSUD [my emphasis in bold]:

*“enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which **one or more of the following apply:***

⁷ Section 32 Evaluation – Part B – Urban Intensification – MDRS and NPS-UD Policy 3, section 9.1.1

⁸ Ibid.

- a. *the area is in or near a centre zone or other area with many employment opportunities*
- b. *the area is well-serviced by existing or planned public transport***
- c. *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.”*

- 6.8 Policy 1 of the NPSUD sets the overarching framework by defining a Well-functioning urban environment. Clause (c) of Policy 1 seeks greater intensification in places that *‘have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport’*. This clause places accessibility to these matters as being achieved by way of public transport or active transport – it does not place primacy on achieving this through accessing all amenities by walking.
- 6.9 In my opinion, the presence of broader urban amenities, while of course desirable and conducive to achieving a positive walkable neighbourhood, is not a determinative factor in the NPSUD directive to enable building heights of at least 6 storeys within a walkable catchment of the train station. The walkable catchment, as mandated by the NPSUD, can only be modified to the extent necessary to accommodate a qualifying matter (NPS-UD Policy 4). I do not consider distance from a supermarket (or other amenities within a walkable distance) to be a credible qualifying matter.
- 6.10 Therefore, in my opinion, the approach taken by Council to not enable residential development of at least 6 storeys within a walkable catchment of the train stations at Paremata and Pukerua Bay is inconsistent with NPS-UD Policy 3(c)(i) and Policy 4.
- 6.11 Turning then to what would constitute a reasonable walkable catchment in these locations, MfE guidance notes that “A distance of 800 metres from each main entrance to a transit stop is considered a minimum

walkable catchment in all urban areas”⁹. MfE guidance cites this distance as being “consistent with long-standing academic and international best practice”. I agree that this is a commonly accepted New Zealand and international standard for the size of walkable catchments. I note that, consistent with the approach taken by Mr Rae, this guidance does not require the presence of the additional factors that have otherwise been incorporated into the Council’s walkable catchment methodology.

- 6.12 I accept that it can be appropriate, in some locations, to then adjust the walkable catchments to take account of other factors. In this regard, I defer to Mr Rae’s evidence and maps, which I understand to have incorporated some refinements to the 800m walkable catchments sought in the submissions by Kāinga Ora.
- 6.13 In my opinion the notified HRZ spatial extent (i.e. absence of HRZ in Pukerua Bay and Paremata) does not address the locational requirements of intensification as required by the NPSUD. This appears to be a result of applying additional criteria that Council considers are critical to providing for a well-functioning urban environment.
- 6.14 In my opinion, the NPSUD Policy 3(c)(i) enabling six stories in these locations is clear national direction that must be given effect in district plans. It can only be modified to the extent necessary to accommodate a qualifying matter (NPS-UD Policy 4).
- 6.15 On a matter related to this, I note that the (expanded) NCZ at Pukerua Bay should be commensurately enabled to achieve 6 storeys and in this case consider the application of the “Height Increase A” tool to be appropriate in this location (enabling heights of 22m).
- 6.16 For the reasons outlined above, I consider that walkable catchments should be applied around the rapid transit stops of Paremata and Pukerua Bay. Applying an 800m catchment as a starting point would be consistent with standard practice across New Zealand and overseas

⁹ Ministry for the Environment, 2020, Understanding and Implementing Intensification Provisions for the National Policy Statement on Urban Development, section 5.5.3

and based on a substantial body of evidence. Importantly, I consider that these changes are necessary to give effect to the NPSUD.

- 6.17 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

7. QUALIFYING MATTERS

Shading - South Facing Steep Slopes

- 7.1 The Council has determined that that enabling taller buildings is inappropriate in certain areas of the residential zones; specifically in areas that have steep, south facing slopes where significant shading effects will arise. The Council considers that this issue is of such significance that it requires the modification of building heights as a qualifying matter under S771(j), due to potential health and wellbeing effects (resulting from limited sunlight) and relatedly to ensure healthy living environments are provided for.
- 7.2 The submissions¹⁰ by Kāinga Ora opposed the introduction of site-specific height controls to sites identified on the Planning Map by Variation 1 to manage the adverse shading effects arising from increased building heights for sites on steep, south facing slopes, but did not oppose those in relation to the Mungavin Netball court complex. Accordingly, my evidence is confined to the matter of adverse shading effects arising from increased building heights for sites on steep, south facing slopes in relation to:
- Height Control – Shading A
 - Height Control - Shading B
 - Height Control - Shading C
- 7.3 These are a set of Porirua-based controls which reflect the topography of the city. The Council considers that these controls are necessary because taller buildings on these sites will have adverse, downhill effects on the health and wellbeing of occupants of adjacent sites due to a significant loss of sunlight during mid-winter (22 June) and the three

¹⁰ OS76.13, OS76.20, OS76.5, OS76.57, OS76.96, OS76.97, OS76.109, OS76.110, OS76.119, OS76.151, OS76.161, OS76.202, OS76.203, OS76.204, OS76.206

months around it. It is my understanding that the analysis finds 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 the remaining 9 months of the year.

- 7.4 I appreciate the concerns expressed within the evidence of Council experts that the MDRS requirements and introduction of flexible standards to enable greater intensification in accordance with Policy 3 of the NPSUD may result in adverse outcomes resulting from a loss of sunlight access and impact of shading. I also acknowledge that the rationale stated within the s32 report and related s42A report for introducing the qualifying matter is one of ensuring healthy living environments are provided for, rather than being an amenity consideration *per se*.
- 7.5 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. However, it also follows that any consequential heating would tend to offset some negative health effects by preventing buildings from becoming too cold or damp. In this regard, a research document¹¹ commissioned by MfE examining the costs and benefits of urban development cites research that has identified 47 studies on the impact of sunshine on a range of human health outcomes and concludes that there is only limited evidence linking the two.¹² This finding is not inconsistent with Mr McIndoe's *Indicators of Health and Wellbeing in the Build Environment*, which acknowledges the relative lack of research on sunlight in regard to wellbeing indices.¹³ It is not my intention to refute the evidence of Council that reduced sunlight levels and increased shading *could* result in adverse health outcomes, but more to demonstrate that the scale and significance attributed to the loss of sunlight/increased shading for a 3 month period is not, in my opinion, sufficient grounds to apply a qualifying matter to this issue.

¹¹ MRCagney Pty Ltd, 2019. The Costs and Benefits of Urban Development. Final Report

¹² Aries, M.B., Aarts, M.P. and van Hoof, J., 2015. Daylight and health: A review of the evidence and consequences for the built environment. *Lighting Research & Technology*, 47(1), pp.6-27

¹³ McIndoe Urban (2021) *Indicators of Health and Wellbeing in the Build Environment.*, section 7.

- 7.6 Further to the above, I am cognisant that the s42a author states the issue managed by this qualifying matter is confined to managing effects upon the health and wellbeing of people and communities (i.e. not managing an effect upon amenity values, which would otherwise be at odds with Objective 4 and Policy 6 of the NPSUD). However, I do note that this is not entirely consistent with Mr McIndoe's memo regarding this matter, which does frame the issue as being one of residential amenity and comfort, and by virtue, health and wellbeing¹⁴.
- 7.7 The NPSUD makes clear that growth must occur and that change in amenity values will happen (Objective 4). This issue is addressed more specifically by Policy 6(b) of the NPSUD which acknowledges that the planned urban built form in those RMA planning documents giving effect to the NPSUD, may involve significant changes to an area, and that those changes:
- (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) are not, of themselves, an adverse effect*
- 7.8 I do not agree with the Council's assessment that potential shading and loss of sunlight effects during three months of the year on steep south facing sites in Porirua amounts to a credible qualifying matter under s 71 of the RMA-EHS. While I note that the controls are a Porirua-based set of standards, in my opinion Porirua is not entirely unusual among Tier 1 authorities for having steep south-facing topography such that it would warrant a unique set of controls (Wellington City, for example, also has extensive residentially zoned land of this nature).
- 7.9 Considering this matter more broadly, specifically in a regional context, I note that submitters both in Porirua, and more generally across the Wellington region, have sought greater application of qualifying matters to manage effects upon amenity, including in regard to shading and privacy. Importantly, I note that the Council s42A report of Wellington

¹⁴ McIndoe Urban (2022) Urban Design Memo 20: Zone Boundaries: Mapping HRZ and MRZ-RIP zones identifying Height Variation Control Areas (HVCA) in all residential zones, sections 2.2(1) and 3.4

City Council has concluded that introducing qualifying matters to manage effects such as shading is not appropriate and inconsistent with the direction of the NPSUD. I agree with this conclusion. In my opinion, such controls are not considered to be necessary in the urban environment of Porirua City, and my opinion on this is reinforced noting that this issue will not be controlled in adjoining jurisdictions that share similar topographical characteristics.

- 7.10 In my opinion, the revisions sought through the submissions of Kāinga Ora on this matter seek to ensure a balance of amenity and growth for both existing and future residents in accordance with the NPS-UD.
- 7.11 I have recommended wording changes to policy RESZ-P9 and Standards HRZ-S2 and MRZ-S2 as set out in **Appendix A** of my evidence.

Radio New Zealand

- 7.12 Kāinga Ora provided further submissions¹⁵ in response to the primary submissions of Radio New Zealand (“**RNZ**”) opposing the introduction of a qualifying matter and associated controls to restrict development in the vicinity of the RNZ transmission mast on Whitirea Peninsula. The reasons provided in the further submissions by Kāinga Ora were:

“Kāinga Ora opposes the introduction of the proposed qualifying matter and resulting changes sought to the MDRS and proposed new matter of discretion. Kāinga Ora does not consider the submitter has provided adequate reasoning to demonstrate why a 1m reduction from 11m to 10m within 528m of the Porirua Site is necessary to manage the stated effect(s).”

- 7.13 The relevant s42A report provides some analysis of the relief sought by RNZ and has recommended the introduction of a policy and rule framework to manage hazard effects resulting from potential electromagnetic radiation (“**EMR**”) coupling and reverse sensitivity within an identified Radio Transmission Height Control Area.

¹⁵ FS76.377 - FS76.384.

Accordingly, the further submissions of Kāinga Ora have been recommended to be rejected.

- 7.14 I accept that where significant adverse health effects arise (such as those posed by EMR coupling), they warrant management under the Resource Management Act 1991 (**RMA**). Where Kāinga Ora's position, with which I agree, diverges with the position taken by both the Council and submitters (RNZ) is with respect to:
- a. Whether the nature of the effect has been appropriate identified;
 - b. If controls are necessary to manage hazard effects from the RNZ transmission mast, the type of controls that are necessary and appropriate in this case, including the extent to which they apply; and
 - c. Whether there is any evidential basis for imposing such controls in relation to managing reverse sensitivity effects.
- 7.15 I do not dispute the potential for hazard effects of the nature described in the submission by RNZ to occur in proximity to the transmission mast or wish to minimise the need to ensure such effects are adequately managed. However, based on the evidence of Mr Gledhill, I agree with the submissions of Kāinga Ora and do not consider that adequate evidence has been provided, by either RNZ or the Council, to appropriately identify the scale and extent of the effect or to ensure the response recommended within the s42A report is the most appropriate.
- 7.16 As outlined in the evidence of Mr Gledhill, the available information does not provide clear assessment as to what the difference in risk is between a 10m building/structure compared with one that is 11m. It is also unclear how or why the distances of 528m and 1027m have been determined appropriate for the spatial application of the varying controls and limitations. Given the seemingly arbitrary nature of these limits, it calls into question whether adequate consideration of the qualifying matter and the management response has been given to each site. Further, there is no evaluation of the costs (such as those that would be borne by applicants) associated with implementing the proposed rule

framework (aside from some consideration to the lost development capacity). Mr Gledhill has identified some of the costs applicants would have to bear in seeking resource consent. I do not consider it consistent with the approach the Council must take to qualifying matters that this cost is effectively transferred to landowners instead of being borne by the infrastructure provider in seeking to justify a restriction on the otherwise mandatory rule framework.

7.17 Mr Gledhill recommends that additional technical information is provided, and reviewed, before determining the most appropriate response, if one is necessary, to manage the potential hazard.

7.18 Informed by the evidence of Mr Gledhill, I acknowledge that the transmission tower has the potential to generate some level of adverse hazard effects on land in the immediate vicinity and, where appropriate, planning instruments should recognise and address those effects. However, it is also important that those restrictions should be no more stringent than necessary, otherwise there is a risk of unnecessary costs imposed on landowners/developers and a risk that land is not developed efficiently to its full potential. In this regard I consider that any restrictions on development to manage EMR effects from the nearby RNZ transmission tower should be based on an adequate evidential basis. This would then enable a comprehensive review and consideration of the most appropriate methods to manage the effects.

7.19 With regard to the stated issue of reverse sensitivity effects, I note that the RNZ submission states that RNZ has direct experience of interference complaints around “some” of its sites. However, they do not discuss whether there have been complaints around this site, or at what distance they occur, or how this has constrained their lawful operations.

8. EXPANDING SPATIAL EXTENT OF COMMERCIAL ZONES AND CONSEQUENTIAL CHANGES

8.1 At the outset, and to avoid any ambiguity on the matter, I note that Kāinga Ora has reconsidered its relief sought in submissions in Variation 1 to seek changes to the Mana Local Centre Zone (upzoning

to a Town Centre Zone and consequential changes to the PDP)¹⁶, and an expansion to the Paremata Local Centre Zone¹⁷. These submissions are not being pursued. I support this decision, and in this regard, note my support for the s42A authors recommendations on these submission points.

Metropolitan Centre Zone

- 8.2 This section of my evidence will focus on the submissions by Kāinga Ora to expand the spatial extent of the Metropolitan Centre Zone (“**MCZ**”), with consequential changes to the zone provisions to account for the replacement of the Large Format Retail Zone (“**LFRZ**”)¹⁸.
- 8.3 These submissions have been rejected by the reporting planner. The general sentiment in the s42A report is that an increase in the spatial extent of the MCZ could compromise the ‘revitalisation’ of the heart of the city centre. In this regard, I find the evidence of Mr Cullen and Mr Rae provides a more compelling argument as to why, contrary to Council’s position on this matter, an extension of the MCZ over the proposed LFRZ footprint would be more likely to have advantageous effects upon the desired revitalisation of the city centre. For this reason, I support the submissions of Kāinga Ora to extend the spatial footprint of the MCZ to the north.
- 8.4 I note that the MCZ provisions regard the city centre as being a vibrant focal point of the city with a wide range of commercial, community recreation and residential activities, housed in a compact built form that is well designed, high quality, and contributes to safe public spaces which are attractive to live, work and visit. The evidence of Mr Cullen outlines how the city centre currently falls well short of its stated objectives.
- 8.5 Informed by the evidence of Mr Cullen, I consider that the proposed regulatory framework of the LFRZ, which essentially confirms the car dependent large format retail land use *in situ*, while discouraging

¹⁶ OS76.77, OS76.243, OS76.245, OS76.277, OS76.276, OS76.278, OS76.9, OS76.50, OS76.63, OS76.274, OS76.275, OS76.10, OS76.34, and OS76.35

¹⁷ OS76.245, OS76.37, OS76.56

¹⁸ OS76.308, OS76.334, OS76.335, OS76.336, OS76.30, OS76.51. OS76.306

broader commercial and hospitality offerings from the city centre, misses an opportunity to allow future redevelopment of sites and land uses to connect the city centre with the natural assets of Te Awarua-o-Porirua Harbour and Porirua Stream. In doing so, it risks compromising the successful transformation of the city centre into one that *is* vibrant and well-functioning.

- 8.6 I acknowledge that the policy framework within the LFRZ¹⁹ requires buildings in proximity to Te Awarua-o-Porirua Harbour and Porirua Stream to interact and engage positively with these natural features; however, in my opinion the intentional discouragement of a broad range of *activities* from the existing large format retail area limits the range of amenities that might otherwise be attracted to this location that would otherwise support a vibrant urban environment.
- 8.7 With regard to the urban built environment, Mr Rae also supports an extension of the MCZ across the LFRZ footprint. In doing so, Mr Rae identifies the strengthened urban design outcomes that are imbedded in the MCZ, that would result in improved design outcomes for (re)development in this area. Mr Rae also considers that the inclusion of the large format retail land into the MCZ would enhance residential outcomes in this location due to the greater focus on urban design outcomes in the MCZ design-based provisions. Similarly, as with Mr Cullen, Mr Rae concludes that an enhanced urban built environment, that accommodates a broader range of activities, and has a legible and positive connection to Te Awarua-o-Porirua Harbour, would provide greater benefit and amenity to residents located within the city core. I agree with the evidence of Mr Rae.
- 8.8 I note the s42A report supports the submission of Kāinga Ora to increase the height limit to 53m in the MCZ. Mr Rae outlines in his evidence why the MCZ 53m height limit in this location would be appropriate from an urban form outcome.
- 8.9 For completeness, I note that the s32 Evaluation Report considered the concentrated presence of natural hazards in this area as being a factor

¹⁹ LFRZ-P8

in implementing the LFRZ. Despite this, I note that both the MCZ and LFRZ are impacted by the Ohariu Fault Line. Other natural and coastal hazards that are particularly relevant to this area of land (due to extent of land impacted) are Flood Hazard – Inundation, and Tsunami Hazard 1:1000 yr inundation extent. These are both classified as a low hazard areas in the PDP. Additionally, I note that the s42A Overarching Report, in response to submissions seeking downzoning of residential zones to account for coastal/natural hazard profiles, rejected these submissions on the basis that the management of risks posed by natural hazards [and I also infer coastal hazards] is adequately addressed through the relevant provisions and rules within the PDP. For these reasons, I consider that the potential risk from natural hazards can be managed through policies and rules, and is not a significant factor in determining the appropriate zone.

- 8.10 Accordingly, I support the submissions of Kāinga Ora to rezone the land to the north of the city centre from LFRZ to MCZ.

Consequential changes in activities provided for within the MCZ

- 8.11 The submissions²⁰ of Kāinga Ora sought the consequential relocation of the Whitireia Tertiary Education Precinct from the LFRZ to the MCZ provisions. Having reviewed this further, it is my opinion that this outcome is not necessary, as the activities undertaken at the Whitireia campus are enabled as Permitted Activities at MCZ-R9 and provided for by MCZ-P1. It is therefore my opinion that any requirement for bespoke precinct provisions would be redundant in the MCZ. I therefore recommend that they be removed from the LFRZ as a consequence of the zoning changes sought by Kāinga Ora.
- 8.12 The submissions of Kāinga Ora sought further consequential changes to the rules within the MCZ, to ensure appropriate activities currently provided for within the LFRZ would be equally enabled in the MCZ (specifically those related to large format retail, supermarket, and drive through activity)²¹. For example, the rule framework for large format retail activity requires consent as a restricted discretionary activity in the

²⁰ OS76.309, OS76.333, OS76.349

²¹ OS76.326, OS76.327, and OS76.328

MCZ. I note that other submitters²² also sought a permitted activity rule for supermarket and large format retail activities within the MCZ.

- 8.13 I support these submissions as I consider that that an enabling rule framework is appropriate to provide for an extensive range of commercial and retail activities in the MCZ given that it is recognised in the PDP as being the focal point for commercial activity within the city. Such an approach is commonplace among primary commercial centres so as to provide a strong anchor for commercial investment from a range of providers. I note that Mr Cullen also support a broad range of activities being enabled and established in this area.
- 8.14 Notwithstanding this, the submissions have been recommended to be rejected in the s42A report. The reasons provided for rejecting these submissions rests on the evaluation in the s32 Evaluation Report – Commercial and Mixed Use Zones (2020).
- 8.15 In my review of the s32 report on this matter, I note that it states:

*The City Centre Zone provides for a wide range of permitted activities to reflect the diverse and enabling character of this zone. A restricted discretionary activity status has been assigned to large format retail activities to emphasise that, while these activities are expected and considered appropriate in the City Centre, a case by case assessment and management of potential effects especially on active and vibrant street interfaces and a quality built environment is required. Restrictions apply to those activities that are considered incompatible with the vibrant and pedestrian focused character and the high quality open space and built environment of the City Centre, such as industrial activities or trade supplier activities.*²³

- 8.16 My assessment of the statement within the s32 evaluation report is that the activity of large format retail is both “*expected and considered appropriate*” in the MCZ, but that an assessment is required to ensure the built environment outcomes associated with any building accommodating such an activity is of a high quality (including achieving

²² Harvey Norman (144.68), and Woolworths (120.7)

²³ S32 Evaluation Report Part 2 – Commercial and Mixed Use Zones (2020), section 9.4.4

an active and vibrant interface with the street). To my reading, the issue that requires management is one of achieving a high quality built form outcome, as opposed to activity/economic related effects of a retail activity exceeding 450m² locating in the MCZ. In this regard, I note that the MCZ, like the LFRZ, includes a rule framework to assess *buildings* in excess of 450m² and therefore, in my opinion, the issues of concern, as stated in the s32 report, can be adequately managed within the existing MCZ rule framework (MCZ-R1).

- 8.17 I therefore support the submissions by Kāinga Ora to provide for large format retail activities under MCZ-R18 as a Permitted Activity. I similarly support the submissions to enable supermarkets as a Permitted Activity at MCZ-R19 and drive-through activities at MCZ-R25. I do not consider any change is required in the policies within the MCZ to accommodate the change in activity status, as I consider that these activities are compatible with the purpose of the Metropolitan Centre Zone, and accordingly MCZ-P1 provides adequate coverage.
- 8.18 I do note one matter that has not been directly sought in the submission of Kāinga Ora, but would be a necessary consequential amendment, is revision to MCZ-S3, which currently relates to buildings addressing Porirua Stream. In my opinion, a direct consequence of extending the MCZ across the existing LFRZ would require the relocation (deletion) of LFRZ-S5 “Addressing Te Awarua-o-Porirua Harbour and Porirua Stream” such that it provides a revised MCZ-S3. A related amendment would also be required within the guiding policy, such that the existing reference to Te Awarua-o-Porirua Harbour and Porirua Stream at LFRZ-P8 would require relocation to a revised MCZ-P7.
- 8.19 In my opinion, based on the advice of Mr Rae and Mr Cullen, I support the submissions of Kāinga Ora to extend the MCZ over the adjacent LFRZ. I consider that this change will more suitably provide for a well-functioning urban environment, as directed by the NPSUD.
- 8.20 I have recommended wording changes to the relevant policies, rules and standards, as set out in **Appendix A** of my evidence.

8.21 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

Neighbourhood Centre Zone – Pukerua Bay.

8.22 The submissions of Kāinga Ora to increase the spatial extent of the Neighbourhood Centre Zone (NCZ) in Pukerua Bay²⁴ have been rejected by the reporting planner.

8.23 Acknowledging the evidence of Mr Cullen, I support the extension of the existing NCZ on the basis that the HRZ will be introduced to parts of the residential environment of Pukerua Bay by virtue of its proximity to a rapid transit stop (discussed in section 6 of my evidence).

8.24 The existing NCZ is approximately 3000m², and the increased spatial extent would take the area to just over 1ha. I agree with Mr Cullen that an expanded centre would provide opportunity for an improved urban interface with the road, which would likely translate to a safer pedestrian environment for users of rail transit.

8.25 Noting the limited services available currently, an increase in the number of households within Pukerua Bay would generate demand for increased services. It follows that improved provision of services would enhance the walkable amenity for users of the rail network.

8.26 I also note that while the *existing* residential base of Pukerua Bay is relatively low (Mr Cullen notes this to be in the realm of 1800 residents), the area remains well visited by motorists passing through the coastal route (SH59, which provides an alternative to SH1 Transmission Gully) and users of the Coastal Escarpment walk. In this regard, I note that Paekakariki has a busy and well frequented commercial centre (with popular cafes etc) that is largely serviced by those on destination and/or on the Coastal Escarpment walk. In my opinion, with time, Pukerua Bay could offer a similar amenity and destination.

8.27 I acknowledge that the expanded NCZ would result in the rezoning of existing residential land, however the notion of expanding centres in

²⁴ 76.219, 76.44, 76.55

response to increased residential intensification is consistent with the concept of planning for growth. In this regard, it is my understanding that the analysis by Mr Osborne on behalf of the Council in assessing need for centre provision to service the growth in the residential catchment as a result of the NGA being developed, does not account for an increase in the base population as a result of a more enabling HRZ framework.

8.28 In my opinion, the expansion to the NCZ is an appropriate response to enable greater provision of amenities to service the future growth of this area and will better achieve the objectives of the PDP.

8.29 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

9. OTHER CHANGES SOUGHT TO SPATIAL EXTENTS OF WALKABLE CATCHMENTS

9.1 The submissions of Kāinga Ora seek to ensure that the HRZ is spatially applied in areas within an 800m walkable catchment from all train stations and/or the Metropolitan Centre Zone (in accordance with NPSUD Policy 3(c)). The submissions also seek the application of the MRZ-RIP within at least a 400m catchment of Local Centre Zones (in accordance with NPSUD Policy 3(d)).

9.2 I am cognisant that the overall recommendation of the reporting planners is to reject the requested zoning changes by Kāinga Ora.

9.3 The evidence of Mr Rae outlines the principles and methodology that have been used to identify the proposed change in extent of the walkable catchments. As I understand it, it is based on a simple application of an 800m walkable catchment for the HRZ and 400m for the MRZ-RIP. Refinements are then made, for example based on cadastral boundaries, equal application to both sides of the street, and ability to safely walk (for example provision of footpaths). I would note that this approach is being consistently applied across the region.

- 9.4 In my opinion, informed by the evidence of Mr Cullen, the proposed spatial application of the catchments provides increased opportunities for development capacity to be realised in a manner that is in accordance with the direction of the NPSUD.
- 9.5 Ultimately, the zoning of land is the fundamental mechanism within the District Plan to identify the geographical areas where differing levels of change and growth can be anticipated over time. Nevertheless, how land is zoned does not prescribe that change must happen, rather it *enables* and prescribes what and how changes may occur. In many instances, how a particular parcel of land is zoned may not lead to any change in the existing use of that land – either in the short or long term.
- 9.6 In this sense, zoning is a macro-spatial tool to geographically depict how the growth and development of a city may change and progress over time – ensuring it occurs in an integrated, holistic way.
- 9.7 In my opinion, the potential benefits provided through the Kāinga Ora strategic and zoning approach include:
- a. Supporting the consolidation of residential growth and development within urban areas in a manner consistent with the direction provided by the NPSUD;
 - b. Providing benefits to the social and environmental wellbeing of the community by enabling greater opportunities for people to live, work and play within their local neighbourhoods and in redeveloped housing stock, thereby improving accessibility to active travel modes, improved walking and cycling provision, and allowing existing social connections within those neighbourhoods to be maintained and enhanced;
 - c. Providing clear signals to the development market through provisions that define what is appropriate in particular zones, and what is not, and providing rule frameworks that minimise consenting risks for appropriate development and which allow for innovative design within an appropriate consenting framework that encourages innovation.

9.8 I therefore support the expanded zoning extents sought in the submissions by Kāinga Ora, as revised by Mr Rae in the maps attached to his evidence.

10. RECOMMENDED CHANGES TO ENABLE ADDITIONAL INTENSIFICATION IN HRZ

Height Variation Control to enable buildings of 36m within 400m of MCZ and resulting amendment to HRZ-S2 - Height

10.1 The NPSUD requires the Council to enable development of *at least* 6 storey buildings around large commercial centres (in Porirua's case, the MCZ) and rapid transport stops. This is not a maximum, but a minimum, and the NPSUD anticipates that additional building height may be appropriate. The 22m height limit proposed by Council in the HRZ (and supported by Kāinga Ora) could facilitate a generous 6 storey building with a resolved roof form, and potentially a tight 7 storeys. However, in immediate proximity to the city centre (MCZ), I consider it appropriate to enable further intensification within the HRZ.

10.2 In this regard, I support the submissions²⁵ by Kāinga Ora, which has sought an increase in the height limit to the HRZ within a 400m walkable catchment of the MCZ. This is to be identified in the Plan as a Height Variation Control (a tool that is consistent with that applied in the commercial zones). Within the Height Variation Control, Kāinga Ora seeks a height limit of 36m (enabling a 10 storey building with roof form). This change necessitates amendments to HRZ-S2 - Height.

10.3 In my opinion, it is appropriate that building heights transition from the city centre (53m) to an intermediate height of 36m, before integrating with the standard 22m applied throughout the HRZ. This approach provides for a clear 'stepping down' in the scale and intensity of planned urban built form from the city centre out to the residential environment. This is considered an appropriate response to the urban form in the evidence of Mr Rae.

²⁵ OS76.118, OS76. 19, OS76.117, OS76.151

- 10.4 Enabling 10 storeys in the HRZ within a 400m walkable catchment of the MCZ signals a strong response to the significance of city centre as a focal point (both currently and planned) for employment, education, the centre of public transport connectivity, accessibility to public open space and active transport.
- 10.5 This could have positive flow-on effects in terms of reduced private vehicle use, reducing emissions and improving climate resilience. Having more people at the street level also improves public safety, surveillance, social connection, and the potential for social capital within neighbourhoods. As discussed elsewhere in this evidence, and that of Mr Rae and Mr Cullen, the vibrancy of the city centre would undoubtedly benefit from intensification both within and in proximity to it.
- 10.6 From a development feasibility perspective, I also consider that providing a height of 10 storeys means there is a stronger chance that development opportunities will be taken up.
- 10.7 In my opinion, enabling additional height within an identified area around the city centre provides for a level of development that responds to the significance of the centre and at a scale that is supportive of the centre, and responds to current and future degrees of accessibility. I consider that this is an appropriate means to address the intensification direction of the NPSUD and urban form outcomes of UFD-03, having regard to the range of factors including urban form, accessibility, demand and benefits to the vibrancy and vitality of the MCZ. I therefore support the changes sought by Kāinga Ora with regard to HRZ-S2.
- 10.8 As a result, I also support the amendments sought in the submissions by Kāinga Ora with regard to explanatory text within the introduction of the HRZ chapter, and HRZ-O1, which articulates that planned urban built environment of this zone. In my opinion, these changes are consistent with the approach taken in the LCZ, where a height variation control is also used. The changes to HRZ-O1 will continue to align with the strategic direction as set out in UFD-01.

- 10.9 I have provided recommended wording changes to HRZ-O1 and Standard HRZ-S2 to reflect this, as set out in **Appendix A** of my evidence.
- 10.10 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

Amendments to HRZ-S3 Height in Relation to Boundary controls

- 10.11 The submission of Kāinga Ora sought several changes to the HRZ-S3 – Height in Relation to Boundary²⁶ (HIRB) density standard. These included changes to the following:
- a. Introduction of a more enabling control (19m + 60°), that would apply within the first 20m of the site from the road frontage, while the 8m + 60° proposed by Council would otherwise apply on all boundaries setback further than 20m from the street;
 - b. Amendments to manage effects at the interface with the MRZ;
 - c. Amended wording when applying more restrictive controls on site boundaries abutting sites with identified heritage items or SASM (to bring a degree of regional consistency through to the construction of the standard);
 - d. Expanded matters of discretion to enable the assessment to be considered against REZ-P8 – Urban Built Environment.
- 10.12 The s42A report recommends that these changes be rejected, with the exception of the change sought by Kāinga Ora to make adjustment to the standard to manage effects on boundaries that interface with the MRZ.
- 10.13 I support the s42A recommendation on all matters, except the aspect of the submission by Kāinga Ora that seeks a more enabling control (19m + 60° within 20m of the front yard). In this regard, I generally support the submission of Kāinga Ora; although in my opinion,

²⁶ 76.152

consequential refinements to the PDP would also be required to achieve the relevant objectives of the PDP.

- 10.14 The amendment sought by Kāinga Ora seeks a more enabling HIRB standard of 19m + 60° within the first 20m of the site to incentivise and provide for intensification in the HRZ. This would encourage building form to be located at the front of the site, leaving more space and “openness” at the rear of the site.
- 10.15 In my opinion, the HIRB standard is used to achieve the planned urban built form of the different zones while providing reasonable amenity for existing residents. In doing so, the HIRB standards have the effect of limiting the height of those parts of a building which are adjacent to a site boundary. This has a restrictive effect in terms of the overall density and height achievable on a site.
- 10.16 In regard to achieving the planned urban built form of the zone, the testing of the 8m + 60° HIRB by Mr Rae demonstrates conflict that exists between the Council’s proposed HIRB standard and enabling an efficient and quality 6 storey development. Whereas testing of the 19m + 60° within the first 20m by Mr Rae shows that this alternative standard would better enable the delivery of development of at least six storeys and encourages building bulk and outlook to the front of the site / street frontage, which assists in achieving a high-density urban built character. Taller buildings that front the street also assist in framing (enclosing) the street, which I understand is also an appropriate response from an urban design and planned built form standpoint. Therefore, in my opinion, the alternative approach sought in the submissions by Kāinga Ora would encourage an urban streetscape in keeping with the more intensive character anticipated in the HRZ.
- 10.17 The Council’s analysis of the appropriate HIRB control appears to be based primarily on providing for the health and wellbeing of the community, and to a reduced degree, enabling the planned urban built environment of the zone. In this regard, I consider that HIRB controls traditionally manage a range of residential amenity considerations, including the level of solar access received by neighbouring properties

in respect to a development. HIRB can also increase the separation distance between buildings and neighbouring properties, helping to reduce privacy impacts from overlooking. The space provided by the HIRB can also contribute to a sense of openness. In my opinion, this is in itself an important component of a *medium density environment*, for example to avoid an oppressive sense of enclosure to outdoor living space. However, I consider that this sense of “openness” is less of a consideration in locations where a greater level of intensification is anticipated, such as in the HRZ.

- 10.18 Despite the benefits that HIRB controls provide to the amenity of neighbouring sites, buildings that respond to recession planes can appear visually awkward, particularly larger scale buildings if floors are stepped back progressively in response to the angled plane (as shown in the testing by Mr Rae). Recession planes can also result in unexpected changes in heights which disrupt the coherence of the street scene, and unbalanced buildings with unusual shapes as designers endeavour to keep the building within the angle of the plane.
- 10.19 This is especially the case for tall buildings, where HIRB can become a significant constraint as designers often attempt to fit the building within the permitted envelope. My understanding from discussions with Mr Rae is that they can have the impact of creating buildings with odd pyramidal shapes. These can:
- a. Appear incongruous in the street scene.
 - b. May add cost to the build.
 - c. Result in fewer residential units provided;
 - d. Encourage “sausage blocks” built perpendicular to the street (which can focus adverse impacts on neighbours rather than the street).
- 10.20 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 that there are gaps in the buildings through which the sunlight can penetrate. In this regard, I understand that the perimeter block layout is a very efficient way to manage this because it creates a large open area at the rear of the site. The approach sought by Kāinga Ora would facilitate the building of density at the front of the site next to the street, and to promote greater open space at the rear, to ensure some certainty around shared amenity and sunlight access within the block.

- 10.21 However, in considering this matter further, I note that the density standards proposed by Council in the HRZ do not limit building coverage (i.e. a building can be constructed across the entirety of the site, subject to meeting other density standards such as landscaping, open space, outlook controls and setback). In my opinion, this matter needs to be considered against the more enabling HIRB being sought by Kāinga Ora, as the building coverage standard, in my opinion, works in concert with the HIRB by ensuring that a notable degree of openness remains within the site.
- 10.22 The absence of the building coverage standard has given me pause to consider the merits and full extent of what is being sought in the submission by Kāinga Ora. In doing so, I note that other Tier 1 councils that have introduced more relaxed HIRB controls akin to that sought by Kāinga Ora, have also set building coverage controls at 50% in the HRZ to achieve the outcome described above²⁷.
- 10.23 Therefore, based on the above, and informed by the evidence of Mr Rae, I am supportive of the 19m + 60° HIRB, as proposed by Kāinga Ora. However, my support on this matter is subject to a building coverage standard being introduced in the HRZ, which in my opinion, will ensure broader residential amenity outcomes are adequately provided for. I am aware, in this regard, that the notified version of

²⁷ Specifically, Auckland Council with Plan Change 78. While not yet notified, I also note that the Christchurch Council s32 evaluation for their IPI planning instrument determined that no HIRB would be necessary in the HRZ for the first 20m of a site frontage, as the 50% building coverage requirement would otherwise provide space within the site to allow for sunlight opportunity and openness.

Variation 1 does not currently provide a building coverage standard and Kāinga Ora did not seek one through its submissions. I note that submission point OS76.59, which seeks any consequential changes that are necessary to give effect to the submissions of Kāinga Ora, may provide sufficient scope for these recommended amendments.

- 10.24 In my opinion, the proposed revisions to the standards are considered to be the most effective and efficient option for achieving the overarching issue being: how to give effect to Policy 3(c) of the NPSUD while achieving quality built environment outcomes, including addressing issues relating to:
- a. Achieving planned urban built environment
 - b. Providing for the amenity, health and safety of residents on-site, and for people on adjoining sites and on the street;
 - c. Ensuring development recognises and provides for values associated with cultural and historic heritage.
- 10.25 I have recommended wording changes to Standard HRZ-S3 and a proposed new Standard to manage building coverage, as set out in **Appendix A** of my evidence.
- 10.26 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

11. HEALTH AND WELLBEING POLICIES

- 11.1 Kāinga Ora submissions²⁸ seek amendments to a number of zone-based policies (RESZ-P5, RESZ-P7, LCZ-P3, LFRZ-P3, MUZ-P3, MCZ-P3, and NCZ-P3) in the commercial, mixed use and residential areas of Porirua in relation to providing quality outcomes for residential activities. These policies have a particular focus on ensuring good access to sunlight, daylight, outdoor living space and privacy. The submissions of Kāinga Ora seek reference to “amenity” within the policy framework, rather than “health”.

²⁸ OS76.253, OS76.339, OS76.287, OS76.316, OS76.226, OS76.105

- 11.2 The s42A report does not accept these amendments, and notes that the concept of “amenity” is not clearly defined, and that the national direction places emphasis upon the health and wellbeing outcomes of people and communities, as opposed to amenity and comfort. The s42A report notes that the relevant objectives of the PDP (strategic objective UFD-O7 and RESZ-O3) represent higher order outcomes that require the built environment be healthy and safe, and therefore the amendments sought by Kāinga Ora would fail to effectively implement these objectives.
- 11.3 I generally support the submissions of Kāinga Ora, insofar as I agree that the policy framework would benefit by more specifically referencing the concept of residential amenity. There is no dispute that provision of healthy homes and living environments is imperative to achieving a well-functioning urban environment and is an outcome directed by the objectives of the PDP. In my opinion, however, the policy framework does not place any obvious consideration upon achieving a good standard of residential amenity as an outcome. This is despite the fact that the issues under consideration in these policies (RESZ-P5, LCZ-P3, LFRZ-P3, MUZ-P3, MCZ-P3, and NCZ-P3) relate to matters that are commonly understood to be those that provide for residential amenity values – i.e. access to sunlight, daylight, outdoor living space and privacy. I do not consider the issue to be one of “either/or” when it comes to health and amenity but is more simply a case of being clear about the outcome that is to be achieved, which in my opinion, includes achieving a good standard of residential amenity.
- 11.4 An example of my recommended changes, which differ to those specifically sought in the submissions by Kāinga Ora, are set out below.

**LCZ-
P3**

Health and well-being for residential activity and residential units

Enable residential activity and residential units where they [are designed to provide a good standard of amenity and result in an healthy](#) urban built environment that provides for people’s [health and](#) well-being in respect of:

1. Access to sunlight, daylight and outdoor living space; and
2. Privacy and site design

- 11.5 In my opinion, the refinements I recommend resolve the concerns raised in the submissions by Kāinga Ora, while ensuring the policies remain aligned with the objectives of the PDP, and higher order direction.
- 11.6 I therefore recommend amendments to RESZ-P5, LCZ-P3, LFRZ-P3, MUZ-P3, MCZ-P3, and NCZ-P3 to reflect this change in **Appendix A**.
- 11.7 In relation to RES-P7, I note that the issue discussed above is partially relevant to the submission²⁹ by Kāinga Ora on this policy. However, there are further areas of change sought to this policy in the submission by Kāinga Ora, which I also support, with some refinements.
- 11.8 Changes sought in the submission by Kāinga Ora are outlined below:

RESZ-P7 ~~Health Amenity~~ and well-being – Development not meeting permitted activity standards

Provide for ~~buildings and structures built form~~ that does 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 on-site and off-site privacy, mitigates visual dominance to adjacent sites, and ensures adequate access to sunlight and daylight;~~
1. There is a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites;
2. Appropriate levels of useable outdoor amenity space for residential units is provided that can readily accommodate outdoor activities, taking into account proximity of the site to public open space;
- ~~3. Visual dominance, shading and loss of privacy for adjacent residential sites from over height buildings is mitigated or remedied; and~~
3. Built form that does not comply with the height in relation to boundary, building setback, site coverage, or height standards is mitigated or remedied through either design responses to the built development, landscaping, or site specific factors, ensuring adequate provisions of privacy and access to sunlight is made to neighbouring residential properties internal and external living areas, and the impact of building bulk and dominance on neighbouring residential properties is reduced; and
4. Topographical or other site constraints make compliance with a density standard impractical.

- 11.9 In recommending the above changes be rejected, the s42A reporting planner notes that the changes sought by Kāinga Ora would inappropriately reduce the effects threshold. I disagree.

²⁹ OS76.107

- 11.10 I support the changes for the following reasons:
- a. Contrary to the assertions in the s42A report, the revised wording continues to require the impacts of breaches to be remedied and mitigated.
 - b. I consider “safeguard”, in the context of providing for privacy, to establish a threshold of “maintain” or “protect”, which is inconsistent with the anticipated change in the built urban environment and Policy 6(b) of the NPSUD. However, I agree that provision of privacy remains relevant (albeit it may change from the levels currently experienced) and consider that the revisions sought in the submission by Kāinga Ora continue to require this.
 - c. The s42A reporting planner appears to consider the issues of privacy, sunlight, access to outdoor living space, and bulk/dominance to be relevant only to achieving a healthy built environment, and not a matter of providing for residential amenity. I disagree.
 - d. In my opinion, the revised and consolidated changes more clearly express the desired end outcome in instances where there is a breach to the density standards.
 - e. I consider it necessary to reference building [site] coverage in the revised policy, as this control commonly manages effects beyond the site in relation to bulk and dominance, shading, and privacy (as discussed elsewhere in this evidence).
- 11.11 I do, however, accept the reasons outlined in paras 451 and 452 of the s42A report. My suggested amendments to RESZ-P7 in **Appendix A** reflect this.
- 11.12 In my opinion, the changes sought by Kāinga Ora respond more effectively and appropriately to the issues being managed and will continue to give effect to the objectives of the PDP.

12. SUBDIVISION - MINIMUM ALLOTMENT SIZE

- 12.1 The submission³⁰ by Kāinga Ora sought to remove the proposed minimum vacant lot size for both the MRZ and HRZ, leaving the shape factor to be the sole controlling factor. Kāinga Ora also sought to amend the shape control factor from 9m x 14m to 8m x 15m³¹. The S42A report recommends that these submissions be rejected. With regard to removal of the minimum vacant lot size, the s42A report rejected this on the basis that it may result in the creation of vacant allotments that are not of sufficient size to accommodate an appropriately sized residential unit.
- 12.2 The changes brought about by the RMA-EHS requires that density reflects the minimum required to accommodate the level of development permitted under the MDRS. While the density standards provide for 3 residential units per site, it is considered that the anticipated outcome of the RMA-EHS is that any minimum lot size, shape size or other size-related subdivision requirement must be able to accommodate a single “typical” dwelling in compliance with the MDRS. Any size -related subdivision requirement must therefore reflect the minimum required to accommodate the level of development permitted under the MDRS. I therefore consider it inappropriate and unnecessary to require a shape or size-related subdivision requirement in excess of that minimum.
- 12.3 The proposed rule framework for subdivision of a residential site in the MRZ and HRZ requires a minimum lot size of 300m², in addition to achieving compliance with the shape factor. The minimum lot size is based on the nett area after the removal of any yards, access allotments, easements and drainage infrastructure.
- 12.4 Recognising the s42A planner’s concerns that the removal of the minimum lot size may lead to the creation of vacant allotments that are not of a sufficient size to accommodate an appropriately sized unit, I have considered whether the 8m x 15m sought by Kāinga Ora would result in this outcome. In this process, I have noted that architectural

³⁰ OS76.92

³¹ OS76.91

testing (by Tauranga City Council³²), has recently been undertaken on a 8m x 15m shape factor. This testing concluded that this dimension will be capable of accommodating a dwelling in compliance with the MDRS of building height, height in relation to boundary, setbacks, building coverage, outdoor living space, outlook space, windows to street and landscaping.

- 12.5 While the density standards provide sufficient building height to enable a three storey building to be constructed on a permitted basis, a more realistic approach was taken in the aforementioned testing to determine what constitutes a “typical” dwelling under the MDRS. The 8m x 15m shape factor enables a two storey, two bedroom/bathroom dwelling of 94m² to be built on a 120m² site. This rationale recognises the majority of existing housing in suburban residential areas is free standing, with three or more bedrooms. The architectural testing does not incorporate any onsite car parking.
- 12.6 Having satisfied myself that the 8m x 15m shape factor can accommodate a “typical” dwelling in compliance with the MDRS, I consider that the 8m x 15m rectangle is the most appropriate to accommodate the site development and there is no need for further minimum size control. I note that the shape factor needs to be unhindered by constraints dedicated to other purposes such as access or services, which is consistent with the recommended changes within the s42A report. In my opinion, the application of a 8m x 15m shape factor alone is sufficient to ensure vacant lots created through subdivision are usable, and support the integrated, liveable and sustainable communities envisaged by the policy framework.
- 12.7 I therefore support the submissions of Kāinga Ora with regard to the removal of the minimum lot size control and amendment of the shape factor to 8m x 15m.
- 12.8 I have recommended wording changes to Standard SUB-S1, as set out in **Appendix A** of my evidence.

³² s32-eval-report-vol8.pdf (tauranga.govt.nz) – see appendix 5

12.9 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

13. OTHER CHANGES TO PROVISIONS AND RULES AND STANDARDS

13.1 Kāinga Ora proposed a number of amendments to the urban chapters (residential and commercial), to better-reflect the planned urban built environment of development sought within each zone and the changes sought in Kāinga Ora's submission. This section addresses matters not otherwise covered in my evidence above.

HRZ chapter introduction

13.2 I support the change sought by Kāinga Ora³³ to the HRZ introduction, which highlights that additional intensification is enabled within proximity to the Metropolitan Centre Zone via a Height Variation Control. This change is consistent with other chapter introductions where additional intensification is enabled, over and above the more general planned urban built environment of the zone (see for example the approach taken to LCZ in the notified version of Variation 1).

LCZ heights

13.3 The submissions³⁴ of Kāinga Ora seek the broad application of a 22m height limit across all LCZ areas (noting under Variation 1 that a Height Variation Control provides for 22m only in proximity to the MCZ or rapid transit stops, otherwise an 18m height limit applies). Changes were also sought to the LCZ introduction and LCZ-O2³⁵ to recognise the broad application of this height limit. The s42A reporting planner disagrees and has rejected the relief sought.

13.4 The proposed change to this standard would enable an additional floor. The LCZ are surrounded by the MRZ-RIP, which provides for heights of 18m. Based on the advice of Mr Rae, I consider that it is appropriate

³³ OS76.123

³⁴ OS76.36 and OS76,266

³⁵ OS76.249

to provide a graduated height from the LCZ to the surrounding residential zone.

- 13.5 Additionally, from a regionally consistent standpoint, I note that the notified PDP in the adjacent jurisdiction of Wellington City applies a 22m height limit across the LCZ (except in areas with identified heritage characteristics). In my opinion, the future potential of the centre at, say Whitby, is not dissimilar to that of Newlands in Wellington City, nor Titahi Bay or Cannons Creek from Hataitai. Accordingly, I support an enabling framework that helps recognise consistency in the planned urban built environment in these centres regardless of jurisdictional boundaries.
- 13.6 I do note, however, that I support the Council's recommendation with regard to the 12m height limits in LCZ locations with recognised heritage values, such as Plimmerton.
- 13.7 I therefore support the following amendments to standard LCZ-S1 as set out below, and within Appendix 1.

1. All buildings and structures must not exceed a maximum height above ground level of:
- a. ~~22m~~ 18m; or
- b. ~~22m on sites subject to the Height Increase A identified on the planning maps; or~~
- b. ~~e.~~ 12m on sites subject to Height Control – Heritage B shown on the planning maps.

- 13.8 In my opinion, it follows that if the above change is made, then changes will also be required to the introduction of the LCZ chapter, and objective LCZ-O2, which articulates the planned urban built form. The changes essentially reflect that the 22m height limit sought by Kāinga Ora is not limited in application to only applying within a Height Variation Control area.
- 13.9 I also note that this change renders Policy LCZ-P8 redundant, and therefore I would support its consequential removal. I am mindful, however, that this specific change is outside of the scope of submissions by Kāinga Ora, which, in an apparent oversight, instead sought that the policy be retained.³⁶

³⁶ OS76.258

- 13.10 I consider that these changes continue to implement UFD-O3, while aligning urban form outcomes in the city with adjacent jurisdictions.

MRZ-S4 Building Coverage

- 13.11 The submission of Kāinga Ora seeks an extension from the matters of discretion to include both RESZ-P7 *and* RESZ-P8, which I support. The s42A report disagrees, on the basis that the building coverage standard is only intended to manage effects on the planned urban built environment (i.e. RESZ-P8) and not the health and wellbeing of people, which is the subject of RESZ-P7.

- 13.12 I disagree. It is my experience that the building coverage control commonly manages the effects of development associated with residential amenity and comfort beyond the site, such as opportunity for neighbouring sites to receive adequate sunlight, openness, and privacy (being the matters addressed within RESZ-P7). This matter is canvassed in some detail in my earlier assessment as to the appropriateness of the submissions sought by Kāinga Ora with regard to the more enabling HIRB standard in the HRZ. Accordingly, I support broadening the matters of discretion to include RESZ-P7, in addition to RESZ-P8, as proposed by Council.

Commercial activities in the HRZ at the ground floor of apartment buildings

- 13.13 The submissions³⁷ by Kāinga Ora seek the introduction of a new Restricted Discretionary Activity (“**RDA**”) rule within the HRZ, to provide an enabling consent pathway for commercial activities located at the ground floor of apartment buildings. I agree with this submission.
- 13.14 Other related submissions of Kāinga Ora seek changes to RESZ-P11³⁸ and deletion of RESZ-P12³⁹.
- 13.15 On review of policies RESZ-P11 and RESZ-12, the submissions sought by Kāinga Ora, and the discussion provided in the s42A report, I do not

³⁷ OS76.23, OS76.144

³⁸ OSH76.112

³⁹ OS76.113

consider that changes to the policies, as sought in the submissions by Kāinga Ora, are necessary and therefore agree with the recommendations in the s42A report in this regard. My evidence therefore focuses only on the outcomes sought in the submission to introduce a new RDA rule in the HRZ to enable small-scale non-residential activities on the ground floor of apartment buildings. In this regard, I consider these activities would be assessed taking into consideration matters outlined within RESZ-P11 – which is consistent with the approach taken in the PDP for other non-residential activities with an RDA activity status.

- 13.16 The HRZ planned urban built environment is anticipated to transition to one that has an intensive urban character. As outlined in the evidence of Mr Cullen and Mr Rae, providing for a broad range of small-scale commercial offerings at the ground level of apartments within the anticipated HRZ urban context could result in the following benefits:
- a. Commercial activity at the ground floor of apartments is a very good way to avoid the privacy and amenity issues associated with residential at ground floor.
 - b. Commercial activities, scattered throughout the urban residential environment, can provide meeting locations for residents and others in the neighbourhood and can assist with live work opportunities and the supply of daily needs.
 - c. Activity at the street, as facilitated by small commercial tenancies, improves safety and surveillance, which improves walkability.
- 13.17 In short, it is clear to me that the outcomes sought by the submission of Kāinga Ora could result in a positive and vibrant urban living environment, which supports a walkable neighbourhood and provides for the health and wellbeing of the community.
- 13.18 In reviewing the original s32 analysis on this matter, one of the key reasons for managing non-residential activities in residential zones (aside from managing effects upon residential amenity values) was a to ensure scarce residential land would remain available to supply much

needed housing. The proposed rule applies only in the HRZ, and specifically in relation to the ground floor level of apartment buildings. Therefore, I do not consider there to be any conflict with this issue raised within the s32 evaluation.

- 13.19 The s42A report also queries the impact of such activities upon the commercial centres. Mr Cullen outlines why, in his opinion, the proposed limit of 200m² for these (out of centre) activities will not threaten the viability of commercial centres or compromise the commercial centre network. I accept this rationale.
- 13.20 In my opinion, the PDP settings that currently provide for small-scale activities throughout the residential environment (such as home-based business, visitor accommodation, and home-based child care services) as a Permitted Activity are appropriate. However, I consider that an additional rule, with an RDA threshold, which provides clear direction as to the scale of activity and setting in which it can operate, is also appropriate in the HRZ, recognising the benefits such activities can bring.
- 13.21 The proposed RDA rule clearly outlines operating limits, and in doing so it provides direction as to the scale of activity that is appropriate in this context. It also retains the ability for Council to assess the impact of the activity upon the community in which it is proposed to be located through the consent process, having regard to matters set out in RESZ-P11. This response continues to recognise the benefits of appropriate non-residential activities that support place making.
- 13.22 In supporting this new rule, I note that other non-residential activities are already provided for under a RDA framework in the HRZ, including:
- a. Healthcare facilities
 - b. Community facilities
 - c. Emergency service facilities
 - d. Home-based childcare over the permitted threshold

e. Visitor accommodation over the permitted threshold

- 13.23 In my opinion, the proposed RDA rule provides a more appropriate consent pathway for small scale commercial activities in the HRZ urban environment compared to otherwise defaulting to a Discretionary Activity under Rule HRZ-R20. In my opinion, RESZ-P11 provides adequate coverage to consideration of the relevant matters.
- 13.24 In recognition of the changes discussed above, I have provided wording changes to: HRZ introduction, LCZ-S1, HRZ-R20, MRZ-S3, as set out in **Appendix A** of my evidence.
- 13.25 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

14. CONCLUSIONS

- 14.1 The national direction contained in the NPSUD requires the Council to provide for well-functioning urban environments which are able to develop and change over time. This national direction seeks to specifically acknowledge that urban environments need to provide sufficient opportunities for the development of housing and business land to meet demand and provide for a range of dwelling types across different locations that will meet the needs of people and communities as well as future generations.
- 14.2 In my opinion, the underlying principles that have informed the proposed changes set out in Kāinga Ora's submissions across the PDP and Variation 1 (and other council IPI's within the Wellington region), will better align the respective plan changes with the NPSUD and the purpose and principles of the RMA as amended by the RMA-EHS.
- 14.3 In conclusion, I am of the opinion that the amendments sought by Kāinga Ora (as outlined in this evidence) are appropriate and will assist in striking the balance controlling the effects of development and enabling opportunities to facilitate the outcomes of the PDP.

14.4 I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents including the NPSUD.



Karen Tracy Williams
24 February 2023

Appendix A – Recommended Changes

Black Text – Original wording of Proposed District Plan / Variation 1
Red Text – Officer’s recommended changes, as set out in Section 42a report.
Blue Text - Additional changes proposed by Kāinga Ora. Consequential amendments may be required to numbering.

RESZ - General Objectives and Policies for all Residential Zones

The purpose of this chapter is to provide for and manage activities within new and existing residential areas. The objectives and policies set out below apply to all Residential Zones. However, there are specific objectives that also apply to individual zones and appear in the relevant zone chapter along with the rules for the zone.

The Residential Zones provide for a range of densities and built forms and recognise that residential activities encompass a wide range of housing and living arrangements. This includes social and community housing and multi-generational living, as well as standalone housing. They do not promote one form of housing over another but instead provide flexibility to meet the community’s diverse housing preferences and needs.

Home business and other activities that support the social and economic health and wellbeing of the community may also occur in the Residential Zones where they are of a compatible scale and nature and contribute to a walkable, high-amenity and resilient local community. Non-residential activities that are incompatible with residential amenity values anticipated in the planned urban built environment for that zone or precinct, or which are more appropriately located within the Metropolitan Centre Zone, Mixed Use Zone, General Industrial Zone, the Local Centre Zone or the Neighbourhood Centre Zone are not provided for.

~~There are also areas that have lower height limits for buildings and structures because of their slope aspect or topographical constraints. In these areas, additional control is necessary to mitigate the adverse effects of taller buildings on the health and well-being of people and communities. They are qualifying matters under s771 of the RMA. These areas are identified on the planning map layer as Height Controls—Shading. They represent areas that are generally suited to a medium density intensity of development, but which have steep southern slope aspects or a complex topography that means the adverse effects of taller buildings need additional control.~~

Specific sites have been identified where additional controls are necessary to mitigate the adverse effects of buildings and structures on the social, physical and surroundings heritage values of heritage items and heritage settings and on Sites and Areas of Significance to Māori (SASM). These sites are identified on the planning map layer as Height Control – Heritage, HIRB Control – Heritage, Height Control – SASM, and HIRB Control – SASM. They are qualifying matters under s771 of the RMA.

[...]

RESZ-P5 Buildings and structures

Enable buildings and structures:

1. That [are designed to provide a good standard of amenity and](#) meet the health and well-being needs of people and communities; and
2. Are of an intensity, form, scale and design that achieve the planned urban built form for the zone or precinct they are located in.

[...]

RESZ-P7 Residential amenity and hHealth and well-being – Development not meeting permitted activity standards

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 on-site and off-site privacy, mitigates visual dominance to adjacent sites, and ensures adequate access to sunlight and daylight;~~
1. There is a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites;
2. Appropriate ~~levels of useable~~ outdoor amenity space for residential units is provided that can readily accommodate outdoor activities, taking into account proximity of the site to public open space;
- ~~3. Visual dominance, shading and loss of privacy for adjacent residential sites from over height buildings is mitigated or remedied; and~~
3. Built form that does not comply with the height in relation to boundary, building setback, site coverage, or height standards is mitigated or remedied, where necessary, to ensure adequate provision of privacy and access to sunlight is made to neighbouring residential properties internal and external living areas, and the impact of building bulk and dominance on neighbouring residential properties is reduced; and
4. Topographical or other site constraints make compliance with a density standard impractical.

[...]

RESZ-P9 Height Control – Shading

On sites identified on the planning maps as being subject to Height Control – Shading, limit the height of buildings and structures where these would result in:

- ~~1. Loss of sunlight to adjacent residential sites; or~~
2. Adverse shading effects on the Mungavin netball courts facility.

[...]

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 Residential Design Guide as contained in APP3 – Residential Design Guide.~~

Provide for residential intensification of a site where it can be demonstrated that the development achieves positive urban design outcomes and living environments, taking into consideration the following design objectives, development type, and the planned urban built environment of the zone:

1. Ensure the building location, form and appearance is comprehensively designed with the landscape and is of a high-quality and compatible with the planned urban built character of the zone.
2. Achieve a positive frontage that engages and interacts with the street with a focus on human activity and scale.
3. Achieve visual interest and aesthetic coherence using architectural and landscape design techniques.
4. Minimise the impact of driveways, manoeuvring and parking areas on the quality of the site and street, while ensuring safety.
5. Integrate building form and open space design to achieve high amenity, safe and functional outcomes for residents in both private and communal spaces, while respectful of neighbouring sites.

6. [Achieve reasonable sunlight, daylight, and outlook for all residential units and associated outdoor spaces where possible, while minimising overlooking of neighbouring living and private outdoor spaces.](#)
7. [Provide reasonable internal visual privacy for all units through well considered location of elements, rather than relying on window coverings.](#)
8. [Achieve high quality, legible, safe and efficient circulation.](#)
9. [Provide for servicing that is suitably generous, convenient, and visually discreet.](#)

[...]

HRZ - High Density Residential Zone

Introduction

The High Density Residential Zone provides for residential activities with a high intensity and bulk of buildings, including apartments and townhouses, and other compatible activities.

The objectives and policies in the RESZ - General Objectives and Policies for all Residential Zones chapter and the provisions in this chapter provide the framework for managing the effects of use and development and ensuring a built environment that provides for the health and well-being of people and communities residing in the Zone, consistent with the planned urban built environment.

The High Density Residential Zone has been identified as being suitable for a high density of residential development. This zone is in areas that are within a walkable catchment of the Metropolitan Centre Zone and/or a train station. This zone will contribute to a well-functioning urban environment, including high levels of accessibility to primary schools, shops and services including supermarkets, and local parks.

[Some areas have been identified as being suited to a more intensive built form through increased building heights than the standard zone height. These areas are located within a walkable catchment of the Metropolitan Centre Zone where significant residential activity is encouraged. They are identified on the planning maps as Height Variation Controls.](#)

In accordance with the National Planning Standards, the District Plan takes an integrated approach to the sustainable management of natural and physical resources within individual zones and across Porirua. As such other chapters in this Plan have provisions that apply to this Zone, including in Part 2: District-Wide chapters.

See How the District Plan works for more information.

[...]

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 areas;](#)
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.

[...]

HRZ-R20 Commercial activity

Activity status: Discretionary

1. Activity status: **Restricted Discretionary**

Where:

- a. [The commercial activity is limited to the ground floor tenancy of an apartment building;](#)
- b. [The gross floor area of the commercial activity/activities does not exceed 200m²; and](#)
- c. [The hours of operation are between:](#)
 - i. [7.00am and 9.00pm Monday to Friday;](#)
 - and
 - ii. [8.00am and 7.00pm Saturday, Sunday, and public holidays.](#)

Matters of discretion are restricted to:

[The matters in RESZ-P11.](#)

2. Activity status: **Discretionary**

Where:

- a. [Compliance is not achieved with HRZ-R20-1.a, HRZ-R20-1.b, or HRZ-R20-1.c.](#)

[...]

HRZ-S2 Height

1. Buildings and structures must not exceed a height of:	Matters of discretion are restricted to:
a. 22m; or b. 36m where identified on the Planning Maps as a Height Variation Control.	1. The matters in RESZ-P7 and RESZ-P8.
b. 16m on sites subject to Height Control – Shading A, as identified on the planning maps;	1. The matters in RESZ-P7 and RESZ-P9.
c. 11m on sites subject to Height Control – Heritage A, as identified on the planning maps; or	1. The matters in HH-P17.
d. 8m on sites subject to Height Control – Heritage C, as identified on the planning maps.	1. The matters in HH-P17.
e. 8m on sites subject to Height Control – SASM, as identified on the planning maps.	1. The matters in SASM-P10.
This standard does not apply to: <ul style="list-style-type: none">• Solar water heating components provided these do not exceed the height by more than 500mm;• Chimney structures not exceeding 1.1m in width on any elevation and provided these do not exceed the height by more than 1m;• Antennas, aerials, and flues provided these do not exceed the height by more than 1m;• Satellite dishes (less than 1m in diameter) and architectural features (e.g. finials, spires) provided these do not exceed the height by more than 1m; or• Lift overruns provided these do not exceed the height by more than 1m.	See How the District Plan works for more information.

[...]

HRZ-S3 Height in relation to boundary	
1. All buildings and structures must not project beyond a:	Matters of discretion are restricted to:
a. 60° recession plane measured from a point 19m vertically above ground level along the first 20m of the side boundary as measured from the road frontage; b. 60° recession plane measured from a point 8m vertically above ground level along all other boundaries; i. Except no part of any building or structure may project beyond a: a. 60° recession plane measured from a point 4m vertically above ground level along any boundary that adjoins a site in the Medium Density Residential Zone;	1. The matters in RESZ-P7
c. For sites subject to HIRB Control Heritage A identified on the planning maps: i. A 45° recession plane measured from a point 3m vertically above the ground level on any boundary with a site containing a heritage item or heritage setting; or	1. The matters in HH-P17.
d. For sites subject to HIRB Control Heritage B identified on the planning maps: i. A 60° recession plane measured from a point 4m vertically above ground level on any boundary with a site containing a heritage item or heritage setting.	1. The matters in HH-P17.
e. For sites subject to HIRB Control - SASM identified on the planning maps i. A 45° recession plane measured from a point 3m vertically above the ground level on any boundary with a site containing a site or area of significance to Māori.	1. The matters in SASM-P10.

[...]

HRZ-SXX Building coverage [new standard in HRZ]

<p>1. The maximum building coverage must not exceed 50% of the net site area.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> Pergola structures that are not covered by a roof; Uncovered decks no more than 1m in height above ground level; Uncovered outdoor swimming pools; Buildings and structures that are no more than 2m² in floor area and 2m in height above ground level; or Eaves up to a maximum of 600mm in width and external gutters or downpipes (including their brackets) up to an additional width of 150mm. 	<p>Matters of discretion are restricted to:</p> <p>1. The matters in RESZ-P7 and RESZ-P8.</p>
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[NB. If introduced, changes will be required to other rules, such as HRZ-R1, to provide updated reference to this standard].

[...]

HRZ-S5 Landscaped area

1. A residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants and can include the canopy of trees regardless of the ground treatment below them.
2. The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.
3. [A minimum of 50% of the front yard setback must be a landscaped area with shrubs and/or trees.](#)

[This standard does not apply to papakāinga and retirement villages.](#)

Matters of discretion are restricted to:

1. The matters in RESZ-P8; and
2. Any additional accessibility and safety benefits of providing less landscaped area.

[...]

MRZ - Medium Density Residential Zone

MRZ-S2 Height

1. Buildings and structures must not exceed a height of:
 - a. 11m;
 - b. 18m in the MRZ-Residential Intensification Precinct;
 - c. ~~14m on sites subject to Height Control – Shading B as identified on the planning maps;~~
 - d. ~~9m on sites subject to Height Control – Shading C as identified on the planning maps;~~
 - e. 8m on sites subject to Height Control – Shading D as identified on the planning maps;
 - f. 11m on sites subject to Height Control – Heritage A as identified on the planning maps;
 - g. 8m on sites subject to Height Control – Heritage C, as identified on the planning maps; and
 - h. 8m on sites subject to Height Control – SASM as identified on the planning maps.

Matters of discretion restricted to:

1. The matters in RESZ-P7 and RESZ-P8.
- ~~1. The matters in RESZ-P7 and RESZ-P9.~~
- ~~1. The matters in RESZ-P7 and RESZ-P9.~~
1. The extent of shading on the Mungavin Park Netball courts facility; and
2. Whether shading will affect the usability and safety of the netball courts and associated facilities.
1. The matters in HH-P17.
1. The matters in HH-P17.
1. The matters in SASM-P10.

[...]

MRZ-S4 Building coverage

1. The maximum building coverage must not exceed 50% of the net site area.

This standard does not apply to:

- Pergola structures that are not covered by a roof;
- Uncovered decks no more than 1m in height above ground level;
- Uncovered outdoor swimming pools;
- Buildings and structures that are no more than 2m² in floor area and 2m in height above ground level; or
- Eaves up to a maximum of 600mm in width and external gutters or downpipes (including their brackets) up to an additional width of 150mm.

Matters of discretion are restricted to:

2. The matters in [RESZ-P7 and RESZ-P8](#).

[...]

NCZ – Neighbourhood Centre Zone

NCZ-P3 Health and well-being for residential activity and residential units

Provide for residential activity and residential units where it [is designed to provide a good standard of amenity and](#) achieves an [healthy](#)-urban built environment that provides for people's [health and](#) well-being in respect of:

1. Access to sunlight, daylight and outdoor living space;
2. Privacy and site design; [and](#)
3. ~~Consistency with the Residential Design Guide in APP3 – Residential Design Guide.~~

[...]

LCZ – Local Centre Zone

Introduction

~~[delete paragraph 3]~~

~~Some areas have been identified as being suited to a more intensive built form through increased building heights than the standard zone height. These areas are located within a walkable catchment of the Metropolitan Centre Zone or a train station. They are identified on the planning maps as Height Increase A and Height Increase B.~~

[...]

LCZ -02 Planned urban built environment of the Local Centre Zone

The Local Centre Zone is a safe and attractive urban built environment, that is characterised by:

1. Medium rise buildings that contribute positively to the surrounding streetscape and residential environment;
2. ~~A greater intensity of built urban form in locations accessible to the Metropolitan Centre Zone or a train station, identified by height increase controls on the planning maps;~~
2. Sites and buildings used for residential purposes that provide good quality on-site residential amenity for the health and well-being of people residing in the Zone.

[...]

LCZ-P3 Health and well-being for residential activity and residential units

Enable residential activity and residential units where they [are designed to provide a good standard of amenity and result in](#) a healthy urban built environment that provides for people's well-being in respect of:

1. Access to sunlight, daylight and outdoor living space; and
2. Privacy and site design

[...]

LCZ-P7 Larger scale built development

~~Provide for larger-scale built development that:~~

- ~~1. Acknowledges and reflects the planned urban built environment of the Local Centre Zone; and~~
- ~~2. Is consistent with the Local Centre Zone Design Guide contained in APP7 – Local Centre Zone Design Guide.~~

Provide for development that achieves a quality medium-scale built form taking into consideration the following design objectives, development type, and the planned urban built environment of the zone:

1. Maximise the potential of the site with small scale retail and commercial or community activities at ground floor and residential activities above;
2. Buildings are well-designed and contribute to a high-quality vibrant public realm through visual interest and aesthetic coherence achieved through façade design, materials, and active edges in response to the context;
3. Buildings generally abut the street edge however open spaces or courtyards are encouraged to create intimate or local meeting places;
4. Building form and detailing assist with legibility for the immediate area;
5. Pedestrian amenity is maximised through good permeability and activation, which contributes to safety and walkability;
6. Servicing and parking are subservient to the built form to maximise an attractive and active pedestrian interface at the street edge;
7. Servicing plant is integrated within the architectural design, to avoid an 'add on' appearance and ensure a well-designed top to buildings;
8. Residential activity is provided with a high quality living environment including access to reasonable sunlight, daylight, and outlook for all residential units and associated outdoor spaces where possible, while minimising overlooking of neighbouring living and private outdoor spaces.
9. Provide reasonable internal visual privacy for all units through well considered location of elements, rather than relying on window coverings.

~~LCZ-P8 Height Variation Control~~

~~Enable buildings and structures up to six storeys within a walkable catchment to the Metropolitan Centre Zone and/or a train station, as identified on the planning maps.~~

[...]

LCZ – S1 Height

1. All buildings and structures must not exceed a maximum height above ground level of:

- a. ~~18m~~ 22m; or
- ~~b. 22m on sites subject to the Height Increase A identified on the planning maps; or~~
- e-b 12m on sites subject to Height Control – Heritage B shown on the planning maps.

Except that:

- Any fence or standalone wall along a side or rear boundary which adjoins a site zoned High Density Residential Zone, Medium Density Residential Zone, Open Space Zone or Sport and Active Recreation Zone must not exceed 2m in height.

This standard does not apply to:

- Solar water heating components provided these do not exceed the height by more than 1m;
- Chimney structures not exceeding 1.1m in width on any elevation and provided these do not exceed the height by more than 1m;
- Antennas, aerials, and flues provided these do not exceed the height by more than 1m; or
- Satellite dishes (less than 1m in diameter) and architectural features (e.g. finials, spires) provided these do not exceed the height by more than 1m.
- Lift overruns provided these do not exceed the height by more than 1m.

[...]

Matters of discretion are restricted to:

Matters of discretion are restricted to:

1. The location, design and appearance of the building or structure;
2. Loss of sunlight to adjacent public space;
3. Visual dominance, shading and loss of privacy for adjoining Residential or Open Space and Recreation zoned sites;
4. Wind effects on the safety and amenity of the adjacent public space;
5. Shading to surrounding buildings;
6. The planned urban built environment; and
7. Whether an increase in building height results from a response to natural hazard mitigation.

Except that:

On sites where LCZ-S1-1.b e applies and the building or structure height otherwise complies with LCZ-S2-1.a ~~, or LCZ-S2-1.b,~~ as appropriate:

Matters of discretion are restricted to:

1. The matters in HH-P17.

MUZ – Mixed Use Zone

MUZ-P3 Health and well-being for residential activity and residential units

Enable residential activity and residential units where they are designed to provide a good standard of amenity and result in an healthy urban built environment that provides for people's health and well-being in respect of:

1. Access to sunlight, daylight and outdoor living space; and
2. Privacy and site design

[...]

MUZ-P7 Larger scale built development

~~Provide for larger-scale built development that:~~

- ~~1. Acknowledges and reflects the planned urban built environment of the Mixed Use Zone; and~~
- ~~2. Is consistent with the Local Centre Zone Design Guide contained in APP5 – Mixed Use Zone Design Guide.~~

Provide for development that achieves a quality medium-scale built form taking into consideration the following design objectives, development type, and the planned urban built environment of the zone.

1. Maximise built form on the site for one use, or a mix of uses;
2. Buildings generally abut the street, however variation in building alignment and form along the street is anticipated depending on the onsite activity(ies);
3. Buildings front the street with clear pedestrian entrances from the street footpath, with an active edge for at least the entry acknowledging the function of the activity;
4. Minimise the impact of vehicle access, parking and manoeuvring on the public realm with an integrated design including trees and shrubs, acknowledging any functional requirement of the activity. The built form has visual prominence over car parking.
5. Rubbish areas and plant are effectively screened from the public realm and neighbouring residential activities.
6. Achieve a coherent building design with an integrated building top and roof design and at least articulated simply with robust materials.
7. Residential activity is provided with a high quality living environment including access to reasonable sunlight, daylight, and outlook for all residential units and associated outdoor spaces where possible, while minimising overlooking of neighbouring living and private outdoor spaces.
8. Provide reasonable internal visual privacy for all units through well considered location of elements, rather than relying on window coverings.

[...]

MCZ – Metropolitan Centre Zone

MCZ-P7 Larger scale built development

~~Provide for high quality and high-density larger-scale built development that:~~

- ~~1. Acknowledges and reflects the planned urban built environment of the Metropolitan Centre Zone;~~
- ~~2. Is consistent with the Metropolitan Centre Zone Design Guide contained in APP4 – Metropolitan Centre Zone Design Guide; and~~
- ~~3. Where applicable, enhances the connection to the Porirua Stream and addresses potential impacts on the openness and historical and cultural values of the stream.~~

Provide for high-density development that achieves a quality built form, taking into consideration the following design objectives and the planned urban built environment of the zone

1. Buildings are well-designed and contribute to a high-quality vibrant public realm through visual interest and aesthetic coherence achieved through façade design, materials, and active edges;

2. Buildings about the street edge and define and enclose the streets, and define the edges of open space. Where applicable buildings define and activate the interface with Te Awarua-o-Porirua Harbour and Porirua Stream;
3. Sunlight access continues to be available within the following public open spaces to support their use and enjoyment: The harbour esplanade, Te Rauparaha Park, Cobham Court, Serlby Place, Hartham Place North and the Porirua Stream.
4. Street corners are legible and enhanced through architectural treatment and form and maximised activity;
5. Pedestrian amenity is maximised through good permeability and activation, which contributes to safety and walkability;
6. Servicing and parking are subservient to the built form to maximise an attractive and active pedestrian interface at the street edge;
7. Servicing plant is integrated within the architectural design, to avoid an 'add on' appearance and ensure a well-designed top to buildings;
8. Residential activity is provided with a high quality living environment, including access to privacy, outlook, and sun access;
9. Development responds to the positive contextual elements (existing and potential) including neighbouring buildings, elements such as trees and crossing points in the street

[...]

MCZ-P9 Car parking and parking lots

Only allow for ground level car parking and parking lots where:

1. It is not located along a primary frontage identified on the planning maps;
2. Any adverse effects on the amenity and quality of the streetscape and public open spaces can be minimised; ~~and~~
3. ~~Any parking lot is consistent with the Metropolitan Centre Zone Design Guide contained in APP4 – Metropolitan Centre Zone Design Guide.~~

[...]

MCZ-R18 Large format retail activity

1. Activity status: ~~Restricted discretionary~~ Permitted

~~Matters of discretion are restricted to:~~

1. ~~The matters in MCZ-P4~~

MCZ-R19 Supermarket

1. Activity status: ~~Restricted discretionary~~ Permitted

~~Matters of discretion are restricted to:
The matters in MCZ-P4~~

Notification:

~~An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.~~

[...]

MCZ-R25 Drive-through activity

1. Activity status: **Discretionary Permitted**

[...]

MCZ-S3 Addressing [Te Awarua-o-Porirua Harbour and Porirua Stream](#)

1. On sites adjacent to and facing [Te Awarua-o-Porirua Harbour or](#) Porirua Stream all buildings must be built to and oriented towards the boundary [of the site](#) facing [Te Awarua-o-Porirua Harbour or](#) Porirua Stream, except for setbacks used for outdoor dining, landscaping or an entrance way to a building.

Matters of discretion are restricted to:

1. Whether the building incorporates landscaping or other means to provide increased amenity and visual interest;
2. Whether the building promotes connection with [Te Awarua-o-Porirua Harbour and](#) Porirua Stream, and community safety; and
3. Whether topographical or other site constraints make compliance with the standard impractical.

LFRZ – Large Format Retail Zone

Introduction

[Delete paragraphs 4 & 5]

~~The design of new buildings and the design and landscaping of open spaces is of importance to achieving a high quality built urban environment in this zone. Any new development facing Te Awarua-o-Porirua Harbour and Porirua Stream will also need to address and, where possible, enhance the relationship to the Harbour and Stream~~

~~The northern end of the Large Format Retail Zone is occupied by Whitireia New Zealand, a government-owned and funded tertiary institute of technology. The Whitireia Tertiary Education Precinct provides for the specific needs of the tertiary education provider while still enabling the future use of land in line with the underlying zoning.~~

[...]

LFRZ-P3 Health and well-being for residential activity and residential units

Enable residential activity and residential units where they [are designed to](#) provide [a good standard of amenity and result in an healthy](#) urban built environment that provides for people's [health and](#) well-being in respect of:

1. Access to sunlight, daylight and outdoor living space; and
2. Privacy and site design

[...]

LFRZ-P7 Larger scale built development

~~Provide for larger-scale built development that:~~

- ~~1. Acknowledges and reflects the planned urban built environment of the Large Format Retail Zone; and~~

~~Is consistent with the Large Format Retail Zone Design Guide contained in APP6 – Large Format Retail Zone Design Guide.~~

~~Provide for built development that where it can be demonstrated that the development contributes positive urban design outcomes taking into consideration the following design objectives as relevant to the specific site, development type, and the planned urban built environment of the zone:~~

1. Optimise the quality of the outcome with an integrated, comprehensive design approach.
2. Buildings are located on site and planned to shape positive open space, and complement the buildings, sites, and streets around them.
3. Provision is made for safe and convenient pedestrian movement.
4. Servicing and parking is functional and maintains a high level of public realm amenity.
5. Provide for reasonable light, outlook, and internal amenity for occupied internal spaces.
6. Achieve visual interest and avoid visual monotony while also achieving aesthetic coherence and integration.
7. Achieve integrated building top and roof design.
8. Ensure materials and detailing are suitably robust and fit-for-purpose in order to maintain their appearance over time.
9. Achieve street and building edges that are visually interesting and active, and which contribute to the safety and attractiveness of the area.

[...]

LFRZ-P8 Public space interface

Provide for development that:

1. Creates a positive interface with the public space and minimises adverse effects on the amenity and quality of the streetscape through:
 - a. High quality building designs;
 - b. Visually unobtrusive parking, storage and servicing areas; and
 - c. Attractive landscaping and screening where appropriate.
2. Where located along an active street frontage identified on the planning maps, creates a positive interface with the public space and contributes to well designed open spaces through:
 - a. Buildings that are oriented towards or built up to the front boundary of the site;
 - b. Transparent glazing on the ground floor that allows visibility into and out of commercial frontages and reflects whether it is a primary or secondary frontage; and
 - c. Obvious and highlighted public entrances.
- ~~3. Where applicable, enhances the connection to Te Awarua o Porirua Harbour and Porirua Stream and addresses potential impacts on the openness and historical and cultural values of these water bodies.~~

[...]

~~LFRZ-S5 Addressing Te Awarua o Porirua Harbour and Porirua Stream~~

~~1. On sites adjacent to and facing Te Awarua o Porirua Harbour or Porirua Stream all buildings must be built to and oriented towards the boundary of the site facing Te Awarua o Porirua Harbour or Porirua Stream, except for setbacks used for outdoor dining, landscaping or an entrance way to a building.~~

~~Matters of discretion are restricted to:~~

- ~~1. Whether the building incorporates landscaping or other means to provide increased amenity and visual interest;~~
- ~~2. Whether the building promotes connection with Te Awarua o Porirua Harbour and Porirua Stream, and community safety; and~~
- ~~3. Whether topographical or other site constraints make compliance with the standard impractical.~~

[NB. deletion of standards will require renumbering of subsequent standards, and any related non-notification clauses referencing later standards].

[...]

Whitireia Tertiary Education Precinct

[...]

SUB-S1	Minimum allotment size and shape	
All Zones	<p>1. All allotments created must comply with the minimum allotment size and allotment shape set out in SUB-Table 1.</p> <p>2. <u>All minimum allotment shape rectangles required under SUB-S1- 1 must be clear of any:</u></p> <p><u>a. Yards;</u> <u>b. Access allotments;</u> <u>c. Right-of-way easements;</u> <u>d. Infrastructure, including public and private infrastructure; and e. Other easements, including any new easement to be registered against the new allotment.</u></p> <p><u>Note: Easements will be required to be registered against new allotments containing public or shared infrastructure. Compliance with SUB-S1-2.d will be considered to be achieved where the minimum allotment shape rectangle is located outside of the area to be registered with an easement over this infrastructure.</u></p>	There are no matters of discretion for this standard.
SUB-Table 1	Minimum allotment size and shape	
Zones	Minimum allotment size	Minimum allotment shape
General Rural Zone	All allotments created must have a minimum allotment size of 40ha.	n/a
Future Urban Zone		
Rural Lifestyle Zone	All allotments created must have a minimum allotment size of 2ha.	n/a
Settlement Zone	All allotments created must have a minimum allotment size of 2ha.	n/a
Industrial Zone	All allotments created must have a minimum allotment size of 1,000m ² .	n/a

Māori Purpose Zone (Hongoeka)	All vacant allotments created must have a minimum allotment size of 400m ² .	All vacant allotments must be able to contain a rectangle measuring 10m x 15m clear of any yards, access allotments and right-of-way.
Medium Density Residential Zone	All vacant allotments created must have a minimum allotment size of 300m².	All vacant allotments must be able to contain a rectangle measuring 8m x 15m 9m x 14m clear of any yards, access allotments and right-of-way.
High Density Residential Zone	All vacant allotments created must have a minimum allotment size of 300m².	All vacant allotments must be able to contain a rectangle measuring 8m x 15m 9m x 14m.
Other zones	n/a	n/a
All zones	No minimum allotment size.	No minimum allotment shape.
All allotments created for infrastructure		

Appendix B – Section 32AA assessment

Having regard to section 32AA, the following is noted:

Table 1: Expansion of High Density Residential Zone

Effectiveness and efficiency	<ul style="list-style-type: none"> • The recommended amendments to provide for expanded walkable catchments is an effective and efficient means of giving effect to higher order documents, particularly the NPS-UD. • A walkable catchment of 800m is considered to be a minimum approach, but appropriate in the Porirua context. • The methodology used to inform the spatial extent of the zone is consistent with that recommended by MfE.
Costs/Benefits	<ul style="list-style-type: none"> • The zone extension is consistent with the direction provided by the NPSUD, and will clearly signal where the greatest level of intensification is anticipated and directed to. • Significant degree of additional capacity is enabled, providing for a change in housing preferences over time and thereby improving housing choice and affordability. • The utilisation of ‘vertical’ space and the subsequent lower land use, allows for lower residential site costs, greater infrastructure efficiency (lower marginal costs) and utilisation, improved amenity and greater access to employment and service opportunities. • The increased spatial extent will result in a greater degree of change to the character of the existing residential environment. • Introducing HRZ into areas of the city that are connected by train, but otherwise dislocated from wider urban amenities, could result in increased vehicle dependency and movements. • The flow-on consequences of this could result in an inconsistent and dislocated urban form.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents, in particular the NPSUD and the National Planning Standards. • The NPSUD directs Council to clearly signal where the greatest level of intensification is anticipated and directed to. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPSUD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring due to the complexity of navigating the rule framework and maps in the District Plan. • It could result in an ad hoc uptake of high density housing in the HRZ, reducing outcomes intended through Policy 1 of the NPS-UD.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended spatial amendments (as shown on maps in Mr Rae’s evidence) are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of Variation 1.

Table 2: Changes to HRZ building heights – within 400m of Metropolitan Centre

<p>Effectiveness and efficiency</p>	<ul style="list-style-type: none"> • The recommended amendments to the building heights in proximity to the MCZ will deliver on the strategic objectives to achieve a range of intensity of built form in proximity to the city centre and to facilitate the compact growth of the city. • Concentrating development in areas with the greatest degree of accessibility to services is likely to increase uptake in housing development opportunities. • Concentrating development of 10 storeys adjacent to the MCZ means greater market exposure for businesses with an increased populous in close proximity to city centre businesses. • Areas beyond this are still proposed to have greater heights enabled as a result of being within a walkable catchment, meaning there still remains a high degree of housing enablement. • The proposed Height Variation Control is an effective use of a tool already utilised in the Plan. • The methodology used to inform the spatial extent of the height variation control is consistent with that applied elsewhere in the Wellington region.
<p>Costs/Benefits</p>	<ul style="list-style-type: none"> • Providing 10 storeys in proximity to MCZ shows a strong response to the significance of the city centre as a focal point (both currently and planned) for employment, the centre of public transport connectivity, accessibility to public open space and active transport. • The increases in height will facilitate more housing choice and design flexibility. It will provide greater certainty to investors and developers. • The location of 10 storey areas reflects a symbiotic relationship between the adjoining CCZ and the residential environment. Interface issues between the two zones are better addressed through a more comparable height differential (representing a proportionally better response to building heights of 45m and 90m enabled in CCZ). Also, the extent of the area defined for 10 storeys is able to act as a contributor to the viability and vitality of the CCZ, rather than competing against opportunities provided within the CCZ • Providing for an area up to 10 storeys means there is a stronger chance that development opportunities will be taken up. • The additional heights will result in a greater degree of change to the character of the existing residential environment. • An increase in building height is likely to result in reduced sunlight access, privacy, overshadowing, and building dominance. • The transitional effects of developing to this form are likely for a longer period as established sites become feasible to be developed and those who do develop do so alongside established (lower density) sites. • Further intensification and increased height opportunities around sites of cultural significance may impact upon relationship to those sites. • Potential effects of intensification on receiving environment, in particular water quality and supply.
<p>Risk of acting or not acting</p>	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPSUD.

	<ul style="list-style-type: none"> • The NPSUD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPSUD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring. In particular, failing to sufficiently-realise intensification opportunities now will frustrate future intensification initiatives in the long term as populations increase due to the inefficient use of the limited land supply resource. • Some degree of enablement beyond 6 storeys around the CBD may reduce economic viability of CBD recovery (drawing apartments from the city centre).
Decision about more appropriate action	<ul style="list-style-type: none"> • This option is recommended as it provides for a level of development that responds to the significance of the city centre. This is seen to be the most appropriate means to address the intensification direction of the NPS-UD, having regard to the range of factors including urban form, accessibility, demand while having regard to the effect on the city centre and surrounds. • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of Variation 1 or the proposed changes set out in the section 42A report.

Table 3: Amendment to HIRB standard and introduction of site coverage standard in HRZ

Effectiveness and efficiency	<ul style="list-style-type: none"> • The recommended amendments to the Height in Relation to Boundary (HIRB) control and the proposed introduction of a building coverage control (50%) will more effectively deliver on the chapter’s objectives to achieve a quality built form that it is of an intensity, scale and design that is consistent with the planned urban built form of the HRZ. • Adapting the existing design controls enabled by MDRS means that consenting is improved and better responds to associated effects. More lenient HIRB controls will further improve this, with many of the controls acting as an incentive to better realise opportunities for intensification. • The introduction of additional building coverage control will ensure that the residential areas continue to function as good living environments as the urban built form intensifies. • The result of modifying the HIRB control and introducing a 50% standard in the HRZ means they are better able to respond to the intensification directions in the MDRS and Policy 3 of the NPS-UD. This improves overall effectiveness of applying associated provisions and the ability to develop to a higher form of residential living
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments enable greater intensity and development to occur within the HRZ. This will have the benefit of

	<p>encouraging redevelopment and intensification to support the outcomes expressed in both Variation 1 and the NPSUD.</p> <ul style="list-style-type: none"> • Modifications to HIRB density standards in conjunction with the introduction of the building coverage standard will improve the chances of delivery of an intensified urban form in a way that supports improved urban design outcomes (e.g, perimeter block development, greater street interface, greater privacy and amenity of outdoor living areas). • Increased intensification will result in a change in amenity values experienced by current neighbouring residents, but in doing so will provide alternative amenities for future generations, as anticipated and directed by the NPSUD. • It will provide greater certainty to investors and developers. • Introduction of a building coverage control will result in less development potential being realised on HRZ sites than currently provided for by Variation 1.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPSUD. • The NPSUD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPSUD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring. • Acting will enable significant change to be realised in existing residential environments, which may lead to transitory effects as existing areas are redeveloped.
Decision about more appropriate action	<ul style="list-style-type: none"> • The amendments are recommended since more lenient and new related provisions enable a balanced outcome between enablement and quality urban environments that provides for current and future generations. The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of Variation 1 or the proposed changes set out in the section 42A report.

Table 4: Increase in height – Local Centre Zone

Effectiveness and efficiency	<ul style="list-style-type: none"> • The recommended amendments to enable building heights of 22m across the LCZ will be an effective way to deliver on UFD-03 • Increased heights provides an effective way to prioritise the legitimate use of the zone for commercial business activities but enabling greater residential density above the ground floor. • A standardised height across the zone will simplify the Plan
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	<ul style="list-style-type: none"> • The increased heights are consistent with those being applied in the neighbouring jurisdiction of Wellington City, which creates some regional consistency.
Costs/Benefits	<ul style="list-style-type: none"> • Enabling greater height will change the character and amenity of some commercial centres, where those opportunities have not already been enabled. • Increased heights will ensure centres remain the focal point of each neighbourhood, noting surrounding residential areas will be enabled to heights of 18m. • Enables greater opportunity for mixed use activities to be realised in the centres, which will support the vibrancy and vitality of these areas. • Increased building heights across the Local Centres Zone will provide additional development capacity for business and commercial activities in those locations. • Promotes infrastructure efficiency / conversely, there is an associated cost of upgrading infrastructure to support increase in density and scale of development.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPSUD. • The NPSUD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPSUD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring.
Decision about more appropriate action	The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of Variation 1 or the proposed changes set out in the section 42A report.

Table 5: Metropolitan Centre Zone expansion

Effectiveness and efficiency	<ul style="list-style-type: none"> • The recommended extension of the MCZ will more effectively deliver on the chapter's objectives be a vibrant focal point of the city with a wide range of commercial, community recreation and residential activities, housed in a compact built form that is well designed, high quality, and contributes to safe public spaces which are attractive to live, work and visit. • Simplified provisions and plan implementation, as the Whitirea Educational Facility would be enabled in the MCZ and would not require a specific precinct approach.
Costs/Benefits	<ul style="list-style-type: none"> • The proposed change has a greater chance of resulting in an enhanced urban built environment, that accommodates a broader range of activities, and has a legible and positive connection to Te Awarua-o-

	<p>Porirua Harbour, which would provide greater benefit and amenity to residents located within the city core.</p> <ul style="list-style-type: none"> • Over time, a change in landuse activity in the large format retail area may result in less widespread hardsurface carparks, which could improve effects on the receiving environment, in particular water quality and supply. • The expanded MCZ would provide greater opportunity to expand the surrounding HRZ, in an area of the city that is well placed with access to urban and natural amenities. • Further intensification and increased height opportunities around sites of cultural significance may impact upon relationship to those sites. • The area is subject to a range of natural hazards, which may restrict redevelopment opportunity in some areas.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPSUD. • The NPSUD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPSUD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of Variation 1 or the proposed changes set out in the section 42A report

Table 6: Neighbourhood Centre Zone expansion

Effectiveness and efficiency	<ul style="list-style-type: none"> • The proposed changes are a direct result of the HRZ proposed in this location, in giving effect to NPSUD Policy 3c. • The proposed changes take account of the future planned outcomes
Costs/Benefits	<ul style="list-style-type: none"> • The centre expansion affects residentially zoned land. • The proposed expansion will improve walkable amenity and connections with the Pukerua Bay train station. • The recommended extension of the NCZ will more effectively deliver on providing expanded services to cater for the needs of a potentially expanded resident population, based on the other changes proposed by Kāinga Ora to introduce HRZ in this area.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPSUD. • The NPSUD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality,

	<p>liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPSUD.</p> <ul style="list-style-type: none"> • The risk of not acting is that the community of Pukerua Bay is not adequately catered for with a broader range of convenience based offerings and/or hospitality services.
Decision about more appropriate action	The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of Variation 1 or the proposed changes set out in the section 42A report

Table 7: Removal of shading controls

Effectiveness and efficiency	<ul style="list-style-type: none"> • The recommended amendments to remove the shading controls are an effective and efficient means of giving effect to higher order documents, particularly the NPS-UD, as these do not credibly constitute being a qualifying matter. • The removal of shading controls will simplify plan interpretation and implementation.
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments enable greater intensity and development to occur within the Residential zones. This will have the benefit of encouraging redevelopment and intensification to support the outcomes expressed in the NPSUD. • The increases in height will facilitate more housing choice and design flexibility. It will provide greater certainty to investors and developers. • Removal of the shading controls will align the PDP with other Tier 1 plans being implemented to give effect to higher national direction, bringing a degree of national and regional consistency to this matter. • Increased intensification will result in a change in amenity values experienced by current neighbouring residents, but in doing so will provide alternative amenities for future generations, as anticipated and directed by the NPSUD. • An increase in building height will result in reduced sunlight access, particularly during the winter months, which may have adverse effects upon the health and wellbeing of people.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPSUD. • The NPSUD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPSUD.

	<ul style="list-style-type: none"> • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of Variation 1 or the proposed changes set out in the section 42A report.

Table 8: Changes “Health and wellbeing” provisions

Effectiveness and efficiency	<ul style="list-style-type: none"> • The recommended amendments to the Health and Wellbeing provisions will bring clarity to decision making and plan implementation. • The proposed changes will ensure it is understood that a reasonable level of amenity shall be afforded to future residents and contributes to a well-functioning urban environment.
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments will simplify Variation 1 thereby ensuring that outcomes are achieved. • The proposed changes will still ensure that the amenity outcomes as set out by the MDRS are achieved without requiring expertise or input from public health officials to determine impact of development. • There are no costs – the amendments will improve interpretation, and thereby plan implementation.
Risk of acting or not acting	<ul style="list-style-type: none"> • The risk of not acting is that the provisions, as proposed within the notified variation, will have unclear meaning to applicants and practitioners.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of Variation 1 or the proposed changes set out in the section 42A report

Table 9: Design Guides as non-statutory documents

Effectiveness and efficiency	<ul style="list-style-type: none"> • Removing the requirement that development is <i>consistent</i> with the design guides removes ambiguity around compliance with guidance. • The use of the Design Guide and Standards as non-statutory guides, rather than having direct reference to them in the policies and assessment criteria of the District Plan, will ensure that the policies and criteria focuses on the actual outcomes that the PDP is seeking to achieve, with the use of the guide as a tool to meet the outcomes expressed. • Having the design objectives clearly articulated within the matters of discretion (within the relevant policies) provides a more effective “line of sight” to the critical outcomes.
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	<ul style="list-style-type: none"> • Having design guidance as a non-statutory tool will enable them to be updated and revised, to efficiently respond to any emerging design-based shortcomings
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments will simplify the District Plan to the extent that the rules can clearly focus on the ensuring that outcomes of the chapter are achieved. • It will also enable changes to be made to the Design Guides, as design philosophy and requirements change, without the need for a full statutory review process. • Cost savings in needing to go through a Schedule 1 process to amend the subdivision guide. • Design guidance outside of the plan has lesser weighting, so there could be a perception that it has less of a role to play. This is resolved, in part, by ensuring that the policy framework clearly articulates the critical design outcomes.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPSUD. • The NPSUD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPSUD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of Variation 1 or the proposed changes set out in the section 42A report

Table 10: Commercial activities in HRZ

Effectiveness and efficiency	<ul style="list-style-type: none"> • The proposed changes will provide an enabling consent pathway for non-residential activities in the HRZ on the ground floor of apartment buildings. • The proposed changes will ensure a reasonable level of amenity is afforded to residents in the surrounding area, enhancing the walkability of the urban residential environment, which will contribute to a well-functioning urban environment.
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments will introduce a new activity status into the existing rule HRZ-R20, which is simple and effective.

	<ul style="list-style-type: none"> • The proposed rule will continue to implement the objectives and policies of Variation 1. • The proposed changes will enhance the vitality and walkability of neighbourhoods, and create greater activation at the street edge, improving the health and safety of people and communities. • The proposed change requires amendment to the existing rule framework, but costs associated with this are negligible. • The proposed changes could impact the amenity of some people.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPSUD. • The NPSUD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPSUD, particularly as it will contribute to achieving a well functioning urban environment. • The risk of not acting is that ground floors of apartments are not well activated and do not create a positive interface with the public realm.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of Variation 1 or the proposed changes set out in the section 42A report

Table 11: Subdivision - Minimum vacant lot size

Effectiveness and efficiency	<ul style="list-style-type: none"> • The proposed minimum dimension control for vacant lots in MRZ and HRZ and removal of minimum vacant lot size will ensure that a suitable vacant lot enables a future building constructed in accordance with the MDRS, while ensuring the minimum degree of control is otherwise provided. • The approach is a simplified control, while ensuring resulting lots will continue to be able to be developed in accordance with the MDRS. • This approach is a more efficient tool while ensuring patterns of development remain compatible with the role, function and predominant planned character of the residential environment.
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments will simplify the PDP to the extent that the rules can clearly focus on the ensuring that outcomes of the subdivision chapter are achieved. • Most subdivision will require a resource consent regardless, so costs arising from the proposed changes are likely to be similar. • The proposed changes will still ensure that development providing the amenity outcomes as set out by the MDRS are achieved.

<p>Risk of acting or not acting</p>	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and the amendments through the RMZ-EHS. • The NPSUD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPSUD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up (particularly smaller scale development otherwise looking to utilise rear yard infill opportunities).
<p>Decision about more appropriate action</p>	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of Variation 1 or the proposed changes set out in the section 42A report