

**Before Independent Hearing Commissioners
In Porirua**

Under the Resource Management Act 1991

In the matter of of a submission by NZ Transport Agency (Waka Kotahi)
(submitter 82, further submitter 36) on the Proposed Porirua
District Plan and Variation 1/Plan Change 19 to the Proposed
Porirua District Plan (submitter and further submitter 81)

Statement of evidence of Claudia Kirkbride for Waka Kotahi – Planning

24 February 2023

1 Qualifications and experience

- 1.1 My full name is Claudia Paterson Kirkbride. I am a Senior Planner with Waka Kotahi where I have been employed since July 2020.
- 1.2 I hold a Bachelor of Environmental Planning from the University of Waikato. I have 6 years' planning experience within both the public and private sector.
- 1.3 My key responsibilities at Waka Kotahi include working with local councils on district plan reviews and plan changes, assessing land use development applications and contributing to projects for major infrastructure upgrades.
- 1.4 In relation to the Proposed Porirua District Plan (PPDP) and Variation 1/Plan Change 19 to the PPDP, I have been project managing the Waka Kotahi overall response to the Plan; this has included drafting the submissions and providing evidence.
- 1.5 I have authority to give evidence on behalf of Waka Kotahi.

2 Code of conduct

- 2.1 While I acknowledge that I am an employee of Waka Kotahi, I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses (2023). I have complied with it in the preparation of this statement of evidence. I also confirm that the matters addressed in this statement are within my area of expertise, except where I rely on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3 Scope of evidence

- 3.1 This evidence focuses on the parts of the Waka Kotahi submission on the Residential, Commercial and Mixed-Use Zones as part of the PPDP and Variation 1/Plan Change 19 to the PPDP.
- 3.2 My responses to the Reporting Officers recommendations as part of the PPDP and Variation 1/Plan Change 19 are set out in the table in Attachment A and Section 4 below. As outlined within Attachment A, I largely agree with the Reporting Officers recommendations as they are consistent with the requirements of the National Policy Statement on Urban Development 2020 (NPS-UD), specifically Policy 3.
- 3.3 The key outstanding matter is the DEV – NG – Northern Growth Development Area chapter (Northern Growth Development Area) and the need for an Integrated

Transport Strategy (OS81.7 and OS81.9) as outlined within the Transport Planning Evidence of Mr Blackmore. Section 4 of my evidence provides recommendations in support of Mr Blackmore's evidence. These recommendations relate to the deferral of the Northern Growth Development Area or the inclusion of a mechanism within the PPDP to restrict development within the area, prior to the development of an overarching transport strategy.

- 3.4 I note that my evidence does not address the Waka Kotahi submission (OS 81.11) on the proposed changes to the Noise Chapter provisions as this is addressed by the Planning Evidence of Ms Heppelthwaite.

4 Northern Growth Development Area

- 4.1 Section 6 and Section 7 of Mr Keshaboina and Mr Blackmore's evidence sets out the need for an overarching transport strategy for the Northern Growth Development Area to ensure the national, regional and local transport strategy / policy direction is given effect to. In addition, this will ensure that the transport requirements particular to the development are well considered before detailed design of the Northern Growth Development Area stages are progressed.

- 4.2 I consider that until such time that an integrated approach has been developed, it is inappropriate for development to go ahead within the Northern Growth Development Area, because as currently provided for, it will result in an urban form that is not consistent with the requirements of the NPS-UD, specifically Objective 3(b) and Policy 1(c).

- 4.3 I consider there are two planning pathways that could be considered, either of which would ensure the necessary integration.

a) The Northern Growth Development Area could be re-zoned as a 'deferred zone' until a strategy has been developed with the key stakeholders outlined within Mr Blackmore's evidence (paragraph 8.2).

b) Alternatively, provisions could be provided for under the Northern Growth Development Area Chapter that restrict subdivision use and development until an overarching transport strategy (or a similar mechanism) has been established. This would include objective and policies that avoid subdivision, use and development until an overarching transport strategy has been developed. Once developed, a policy and rule framework would be required that sets out how the overarching transport strategy is given effect to in the Northern Growth Area.

- 4.4 Either of the recommended planning mechanisms summarised in paragraph 4.3 will appropriately give effect to the requirements of the NPS-UD, but will also give effect to the relevant policies of the Greater Wellington Regional Policy Statement (Operative). Specifically, Policy 31 which requires district plans to identify locations for higher density and mixed use where there is good access to the strategic public transport network. In addition, give effect to Policy 58 which requires particular regard to be given to the sequence and location of development in relation to existing safe infrastructure and new infrastructure.
- 4.5 Whilst I acknowledge Section 2.6.2.1 of the Overarching Section 42A Report states that Proposed Change 1 to the Greater Wellington Regional Policy Statement (Proposed RPS) should be given minimal weight, I would like to note that the planning mechanisms within paragraph 4.3 above will also provide consistency with the Proposed RPS. Specifically, Policy CC.4 and Policy UD.3.

Claudia Paterson Kirkbride

24 February 2023

Appendix One: Table One
Summary of the Waka Kotahi position in regard to the Reporting Officers recommendations.
Proposed Porirua District Plan and Variation 1/Plan Change 19- Hearing 7

Abbreviations: National Policy Statement on Urban Development 2020 (NPS-UD)
Resource Management Act 1991 (RMA)
Medium Density Residential Standards (MDRS)
Vehicle Kilometres Travelled (VKT)

Submission Points	Waka Kotahi Submission	Officer's Recommendation	My Response
82.221	GRZ-P4 Amend provision: Only allow commercial activities where they are ancillary to a residential activity and of a scale where significant adverse effects are avoided, and any other adverse effects are appropriately remedied, or mitigated or avoided as appropriate.	Reject <i>The Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3 addresses the GRZ-General Residential Zone and identified that it was no longer appropriate considering the requirements of s77G of the RMA to incorporate the MDRS and to give effect to NPS-UD Policy 3. Consequently, the retention of this zone and associated chapter were not supported and under Variation 1, the zone has been deleted.</i>	I agree with the Reporting Officer's recommendation. The deletion of the General Residential Zone gives effect to the NPS-UD.
82.227	GRZ-R8 Retain as notified.	Reject <i>The Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3 addresses the GRZ-General Residential Zone and identified that it was no longer appropriate considering the requirements of s77G of the RMA to incorporate the MDRS and to give effect to NPS-UD Policy 3. Consequently, the retention of this zone and associated chapter were not supported and under Variation 1, the zone has been deleted.</i>	I agree with the Reporting Officer's recommendation. The deletion of the General Residential Zone gives effect to the NPS-UD.

<p>82.231</p>	<p>GRZ-S9</p> <p>Amend provision: <u>2. All fences and standalone walls must not compromise visibility splays and minimum sight distances per INF-Figure 5 & INF-Table 6.</u> Matters of discretion are restricted to: <u>5. The safe and efficient operation of the transport network.</u></p>	<p>Reject</p> <p><i>The Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3 addresses the GRZ-General Residential Zone and identified that it was no longer appropriate considering the requirements of s77G of the RMA to incorporate the MDRS and to give effect to NPS-UD Policy 3. Consequently, the retention of this zone and associated chapter were not supported and under Variation 1, the zone has been deleted.</i></p>	<p>I agree with the Reporting Officer's recommendation. The deletion of the General Residential Zone gives effect to the NPS-UD.</p>
<p>82.232</p>	<p>MRZ-PREC02-O1</p> <p>Retain as notified.</p>	<p>Reject</p> <p><i>The EPRIP was deleted by Variation 1 and no submission seeks its re-instatement. The precinct consisted of relatively small and discrete spatial areas in eastern Porirua that is undergoing a master-planned regeneration process.</i></p> <p><i>Variation 1 deleted this precinct, and it has been subsumed into the wider HRZ or MRZ-Residential Intensification Precinct to give effect to NPS-UD Policy 3. Accordingly, the purpose of the HRZ and MRZ-Residential Intensification Precinct is different from the EPRIP.</i></p> <p><i>I do not consider that there are any equivalent provisions under Variation 1 since the new objectives are intended to apply to a much broader spatial area than the area which the original submissions were made on and are for a different purpose.</i></p>	<p>I agree with the Reporting Officer's recommendation. The deletion of this precinct and relevant provisions gives effect to the NPS-UD.</p>
<p>82.233</p>	<p>MRZ-PREC02-O2</p> <p>Retain as notified.</p>	<p>Reject</p> <p><i>The EPRIP was deleted by Variation 1 and no submission seeks its re-instatement. The precinct consisted of relatively small and</i></p>	<p>I agree with the Reporting Officer's recommendation. The deletion of this precinct and relevant provisions gives effect to the NPS-UD.</p>

		<p><i>discrete spatial areas in eastern Porirua that is undergoing a master-planned regeneration process.</i></p> <p><i>Variation 1 deleted this precinct, and it has been subsumed into the wider HRZ or MRZ-Residential Intensification Precinct to give effect to NPS-UD Policy 3. Accordingly, the purpose of the HRZ and MRZ-Residential Intensification Precinct is different from the EPRIP.</i></p> <p><i>I do not consider that there are any equivalent provisions under Variation 1 since the new objectives are intended to apply to a much broader spatial area than the area which the original submissions were made on and are for a different purpose.</i></p>	
<p>82.234</p>	<p>MRZ-PREC02-O2</p> <p>Retain as notified.</p>	<p>Reject</p> <p><i>The EPRIP was deleted by Variation 1 and no submission seeks its re-instatement. The precinct consisted of relatively small and discrete spatial areas in eastern Porirua that is undergoing a master-planned regeneration process.</i></p> <p><i>Variation 1 deleted this precinct, and it has been subsumed into the wider HRZ or MRZ Residential Intensification Precinct to give effect to NPS-UD Policy 3. Accordingly, the purpose of the HRZ and MRZ-Residential Intensification Precinct is different from the EPRIP.</i></p> <p><i>I do not consider that there are any equivalent provisions under Variation 1 since the new objectives are intended to apply to a much broader spatial area than the area which the original submissions were made on and are for a different purpose.</i></p>	<p>I agree with the Reporting Officer's recommendation. The deletion of this precinct and relevant provisions gives effect to the NPS-UD.</p>

<p>82.240</p>	<p>MRZ-PREC02-P1</p> <p>Retain as notified.</p>	<p>Reject</p> <p><i>In 3.12.10 I identify high level factors that I have used in my assessment of the submissions on the deleted MRZ policies. These are particularly relevant for this group of policies which are concerned with the planned urban built environment. I do not consider that there are equivalent Variation 1 policies given the extent and nature of the changes necessary to implement the policy framework for relevant residential zones in accordance with the requirements of s77G and s77N to the RMA to incorporate the MDRS and implement Policy 3 of the NPS-UD.</i></p> <p><i>This matter is given particular attention in the Section 32 Evaluation Part B: Urban intensification – MDRS and NPS-UD Policy 3. It was identified as a resource management issue in part 5.3 of the evaluation and the subject of further consideration in Appendix B. This analysis concluded that while land use activity rules could be relocated into the RESZ – General objectives and policies chapter, those concerned with the built environment needed to be overhauled to integrate with the MDRS policies.</i></p>	<p>I agree with the Reporting Officer's recommendation. The deletion of this precinct and relevant provisions gives effect to the NPS-UD.</p>
<p>82.238</p>	<p>MRZ-P7</p> <p>Retain as notified.</p>	<p>Accepted in Part</p> <p><i>This policy has been carried over into the RESZ-General objectives and policy chapter in Variation 1 as RESZ-P14. I would note that Kāinga Ora seek that RESZ-P14 be retained as notified. The policy was amended to align with NPS-UD language but continues to be an "avoid" policy. For this reason I recommend that these submissions be accepted in part.</i></p>	<p>I agree with the Reporting Officer's recommendation as it gives effect to the NPS-UD.</p>

82.241	MRZ-R1 Retain as notified.	Accepted in part <i>In relation to the PDP submissions, I would note the following:</i> <i>The rule has been amended to implement the MDRS permitted activity rule in Schedule 3A to the RMA163, including the notification preclusion requirements. This includes removal of a separate density standard for outdoor living space for multi-unit housing, as sought by Kāinga Ora; and</i> <i>The rule must be amended to meet MDRS requirements, as such retention of the PDP version as notified is not an option.</i>	I agree with the Reporting Officer's recommendation. I note that Waka Kotahi did not submit on MRZ-R1 as part of their submission on Variation 1.
82.245	MRZ-R9 (now R10)- home business Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
82.246	MRZ-R15 (multi-unit housing) Adopt submission on MRZ-P5.	Reject <i>See body of report.</i>	I agree with the Reporting Officer's Recommendation and that the Infrastructure and Transport Chapter already addresses the safety and efficiency of the transport network. Therefore, changes to MRZ-RP5 are unnecessary.
OS81.3	Walkable Catchment Waka Kotahi supports the walkable catchments that have determined the location of the zones/precincts as it implements Policy 3(d) of the NPS-UD.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.16	RESZ-O1 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.17	RESZ-P1 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.

OS81.18	RESZ-P2 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.19	RESZ-P3 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.20	RESZ-P4 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.21	RESZ-P5 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.244	HRZ-O1 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.25	HRZ-S1 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.26	HRZ-S2 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.22	MRZ-S1 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.23	MRZ-S2 (MRZ-S1 in PDP) Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.4	MRZ – Medium Density Residential Zone	Reject <i>It is my understanding that qualifying matters only relate to building height or density</i>	The amendments sought as part of the Waka Kotahi Planning Evidence of Catherine Heppelthwaite (dated the 21 January 2022) on the Proposed Porirua District Plan are not less

<p>OS81.5</p> <p>OS81.11</p>	<p>The relevant noise provisions should be included as a qualifying matter within the Medium Density Residential Zone provisions.</p> <p>HRZ – High Density Residential Zone</p> <p>The relevant noise provisions should be included as a qualifying matter within the High Density Residential Zone provisions.</p> <p>Amend the Medium Density Residential Zone and High Density Residential Zone provisions to include the relevant noise provisions as a qualifying matter (or other method) and the amendments sought as part of Waka Kotahi Planning Evidence of Catherine Heppelthwaite (dated the 21 January 2022) on the Proposed Porirua District Plan.</p>	<p><i>requirements. The definition of 'density standards' in Schedule 3A of the RMA is:</i></p> <p><i>'density standard means a standard setting out requirements relating to building height, height in relation to boundary, building setbacks, building coverage, outdoor living space, outlook space, windows to streets, or landscaped area for the construction of a building'</i></p> <p><i>As such, because the noise provisions managing reverse sensitivity would not amend density standards or building heights, I do not agree that they could be considered as a qualifying matter.</i></p> <p><i>I also note that, in relation to the identified transition period, the reverse sensitivity provisions are already in the PDP. As decisions on the PDP and recommendations on Variation 1 will be made by the Hearing Panel as an integrated set, I see no benefits to be gained from the noise provisions relating to reverse sensitivity should be considered as a qualifying matter.</i></p> <p><i>If Waka Kotahi are actually seeking that the provisions have legal effect during the period prior to decisions on the PDP and recommendations on Variation 1 being made, then the provisions would have had to have been included in Variation 1 when it was notified. There is no way of making those provisions have legal effect retrospectively. Waka Kotahi may wish to clarify this point at the hearing.</i></p>	<p>enabling than the MDRS. This is on the basis that they allow the same level of development as the MDRS and simply contain acoustic design standards that do not affect development capacity. Therefore, I agree with the Reporting Officer's recommendation on OS81.4 and OS81.5 that the noise provisions should not be a qualifying matter.</p> <p>OS81.11 is addressed within the evidence of Ms Heppelthwaite for Waka Kotahi which I have reviewed and agree with.</p>
<p>82.30</p>	<p>Amend HO-O2 as follows:</p> <p>1. Has access to a <u>safe and connected</u> transport network <u>with sufficient capacity</u>, and is served by multi-modal transport options.</p>	<p>Reject</p> <p><i>Variation 1 has deleted HO-O2.</i></p>	<p>I agree with the Reporting Officer's recommendation. The deletion of this objective gives effect to the NPS-UD.</p>

		<i>Since HO-02 is to be deleted, I do not support the amendments sought by the PDP submitters to this objective.</i>	
82.33	UFD-O3 Retain as notified.	Accept in part <i>I recommend that the PDP submissions be accepted in part to reflect their recognition that this strategic objective is appropriate and necessary, but that it was amended by Variation 1 to better give effect to the NPS-UD.</i>	I agree with the Reporting Officer's recommendation as it gives effect to the NPS-UD. I note that Waka Kotahi supported UFD-O3 as part of their submission on Variation 1 (OS81.12).
OS81.6	General The HSAA sets out that financial contribution provisions may be included or changed as part of the IPI process (s. 77t). Porirua City Council have not included financial contribution provisions as part of Variation 1. Council do however have a Development Contributions Policy which requires developers to contribute towards infrastructure. Expects that any regionally significant infrastructure required as part of land use, subdivision or development would require financial contributions under this policy.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.1	General Full utilisation of the tools available to Council to enable development in the most accessible urban areas.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.2	General Supports the intent and content of the NPS-UD. This recognises the national significance of having well-functioning urban environments that enable people	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.

	and communities to provide for their social, economic and cultural well-being and for their health and safety. The NPS-UD has a strong focus on ensuring that increased densities are provided in the most accessible parts of urban areas, where communities are able to access jobs, services and recreation by active and public transport modes. Supports the requirements of the RMA-EHS. It seeks the full implementation of these requirements, including the introduction of the MDRS and related provisions in eligible zones. These standards should only be modified to accommodate qualifying matters, and should be modified only to the extent required to accommodate these matters. Qualifying matters should be supported by a strong evidence base to ensure a robust application.		
OS81.12	UFD-O3 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
OS81.13	UFD-O7 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
82.28	EP-O1 Retain as notified.	Accept, subject to amendment made in response to other submissions. <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
82.32	UFD-O1 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer's recommendation.
82.281	Amend LCZ-P4 (now LCZ-P5- In appropriate activities) as follows:	Reject	I agree with the Reporting Officer's Recommendation and that the Infrastructure and Transport Chapter already addresses the safety

	Avoid activities that are incompatible with the anticipated purpose, character and amenity values of the Local Centre Zone and the surrounding environment; <u>or compromise the safety or efficiency of the transport network.</u>	<p><i>The reporting officer, Mr Smeaton, recommended that the submission points be rejected and made the following assessment: I consider that the additional clauses sought by Waka Kotahi [82.220, 82.222, 82.223, 82.235, 82.236, 82.237, 82.252, 82.266, 82.278, 82.279, 82.280, 82.282, 82.283, 82.284, 82.285] to a range of objectives and policies are unnecessary as the safety and efficiency of the transport network is already addressed by relevant objectives and policies in the INF-Infrastructure and TR – Transport Chapters.</i></p> <p><i>I agree with Mr Smeaton’s assessment and likewise recommend that this submission point be rejected.</i></p>	and efficiency of the transport network. Therefore, changes to LCZ-P4 are unnecessary.
OS81.27	NCZ-S1 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer’s recommendation.
OS81.28	LCZ-S1 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer’s recommendation.
OS81.29	MCZ-S1 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer’s recommendation.
OS81.14	SUB-R3 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer’s recommendation.
OS81.15	SUB-R4 Retain as notified.	Accept <i>Agree with submitter.</i>	I agree with the Reporting Officer’s recommendation.
OS81.35	Planning Maps > Precinct Mapping Retain as notified.	Accept in part <i>Agree with submitter [subject to recommendations made in response to other submissions].</i>	I agree with the Reporting Officer’s recommendation.

OS81.7 and OS81.9	<p>DEV-NG- Northern Growth Development Area</p> <p>Waka Kotahi seeks that an integrated planning approach be further progressed to support the zoning of the Northern Growth Area as a whole package. Waka Kotahi seeks that this is achieved by the development of an overarching transport strategy to ensure land use is integrated in a manner that provides a safe and connected transport network, and achieves the government and regional transport goals of emissions and VKT reductions.</p>	<p>Accept in part</p> <p><i>Similarly, I also agree with Waka Kotahi [OS81.7 and OS81.9] that an overarching transport strategy for the entire Northern Growth Area would be beneficial. As noted by Waka Kotahi, such a strategy could identify how development will be staged and how land use and transport will be integrated between each area. This could then influence any future development area chapters and associated structure plans for the Northern Growth Area. However, such a strategy would need to be developed under the Local Government Act 2002 and would sit outside the PDP.</i></p>	<p>This issue is addressed in the evidence of Mr Blackmore for Waka Kotahi and Section 4 of my evidence.</p>