

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS  
AT WELLINGTON**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE  
O TE WHANGANUI-A-TARA**

**IN THE MATTER  
AND**

**of the Resource Management Act 1991**

**IN THE MATTER**

**of the hearing of submissions on Te  
Mahere ā-Rohei Tūtohua the Wellington  
City Proposed District Plan**

**HEARING TOPIC: Stream 2 - Residential**

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**STATEMENT OF PRIMARY EVIDENCE OF VICTORIA WOODBRIDGE  
ON BEHALF OF KĀINGA ORA - HOMES AND COMMUNITIES**

**(PLANNING)**

**16 MARCH 2023**

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## 1. EXECUTIVE SUMMARY

1.1 My name is Victoria Emily Jane Woodbridge, and I am a Senior 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 Wellington City Council's Proposed District Plan (**the PDP**).

1.2 My evidence is to be read together with the statement of evidence for Mr Heale.

1.3 My evidence will address the following matters:

(a) **Qualifying Matters** - I question the appropriateness of character as a qualifying matters that restrict application of the intensification directed by the National Policy Statement on Urban Development (**NPS-UD**) and the Medium Density Residential Standards (MDRS) set out in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Amendment Act**) and recommend alternative options for managing character values in the PDP;

(b) **Precincts** - I recommend removal of the character precinct provisions from the Medium Density Residential zone and the introduction of a Character Areas overlay in the District-wide matters. Subsequently, I recommend the application of the High Density Residential zone in areas subject to walkable catchments in order to implement Policy 3(c) of the NPS-UD. I consider this would provide greater opportunities for intensification as directed by the Objectives 1 and 4 and Policies 3 and 6 of the NPS-UD and the MDRS provisions required by the Amendment Act, whilst managing character values in a more appropriate manner;

(c) **Role of Design Guides** - I recommend that the proposed Design Guides should be used as non-statutory guides which sit outside the District Plan. 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 Guides should be utilised as a tool to support the residential zone policies and matters of discretion and ultimately inform any assessment of resource consent applications;

- (d) **Amenity values vs planned urban built form** - I recommend amendments to policies and rules which currently reference “*amenity values*” in relation to managing effects from the built environment where reference to either “*planned urban built form*” or “*anticipated / planned urban environment*” would be more appropriate;
- (e) **Commercial Activity in the HRZ** - I recommend the inclusion of commercial activity provisions at the ground floor level within the High Density Residential Zone in order to give effect to policy HRZ-P14 and provide for well-functioning urban environments that meet the needs of the community;
- (f) **Amendments to Residential Zone provisions** - I recommend other amendments to the Residential 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 urban built form of each zone;
- (g) I have recommended wording changes to the Objectives, Policies, Rules and Standards as set out in **Appendix 1** of Mr Heale’s evidence, to the residential and commercial zones; and
- (h) I have prepared a Section 32AA assessment as set out in **Appendix A** of my evidence.

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

## 2. INTRODUCTION

- 2.1 My full name is Victoria Emily Jane Woodbridge. I am a Senior Planner at the Property Group Limited, based in Nelson.
- 2.2 I have a Bachelor of Arts (Honors) in Media Studies and English from the University of Glamorgan, UK and a Masters of Urban and Regional Planning from the University of Westminster, UK. I have 7 years' experience working with resource management in the UK and 9 years' experience in working with resource management and planning matters under the Resource Management Act 1991 in New Zealand. I am an Associate member of the New Zealand Planning Institute.
- 2.3 I have worked for local government (Tasman District Council and Nelson City Council) and in private consultancy. My experience includes processing and preparation of large scale resource consent applications, private plan changes and submissions on proposed district plans. I have also been involved in full district plan reviews and have prepared evidence for local authority hearings and the Environment Court.
- 2.4 I am providing planning evidence on behalf of Kāinga Ora on the PDP. I was involved in the preparation of primary and further submissions by Kāinga Ora in relation to the PDP and other plans in the Wellington region as part of the ISPP plan changes. I am familiar with the Kāinga Ora corporate intent in respect of the provision of housing within the Wellington region. I am also familiar with the national, regional and district planning documents relevant to the PDP.
- 2.5 In preparing this evidence I have read the Section 32 and Section 42A reports together with the associated appendices prepared by Council staff and the evidence prepared by Dr Zamani and Shayna Curle<sup>1</sup>.

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<sup>1</sup> Section 32 Evaluation Report, Part 2: High Density and Medium Density Residential Zones; Section 32 Evaluation Report, Part 2: Character Precincts and the Mt Victoria North Townscape precinct; Section 42A, Stream 2 – Part 3, Residential Zones – Part 2: High Density Residential Zone; Section 42A, Stream 2 – Part 3, Residential Zones – Part 3: Medium Density Residential Zone; Section 42A, Stream 2 – Part 3, Residential Zones – Part 4: Character Precincts, Mt Victoria North Townscape Precinct, Character Precinct Design Guide, Mt Victoria North Design Guide; Section 42A Stream 2 – Part 3 Residential Zones – Part 6: Design Guides – General, Design Guides – Introduction, Residential Design Guides, Papakāinga Design Guide; Statement of evidence of Dr Farzad Zamani on behalf of Wellington City Council (Urban Design); Statement of evidence of Shayna-Lucy Curle on behalf of Wellington City Council (Urban Design Expert).

Further planning evidence is provided on other matters relating to Hearing Stream 2 by Mr Heale.

### **Code of Conduct**

- 2.6 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**

- 2.7 Hearing Stream 2 addresses submission points relating to the PDP Residential Zones, including Medium Density Residential Zone (**MRZ**), High Density Residential Zone (**HRZ**) and Character Precincts and Residential Design Guides. My evidence will address the following matters:
- (a) Application of Qualifying Matters, specifically the application of character as a qualifying matter;
  - (b) The use of precincts, including the proposed Character Precincts, Mt Victoria North Townscape Precinct and Oriental Bay Height Precinct and the proposed Sunrise Boulevard Precinct sought by Ara Poutama Aotearoa, the Department of Corrections;
  - (c) The role and status of the residential design guide;
  - (d) Commercial activities at ground floor in the HRZ; and
  - (e) Amendments to Residential Zone provisions.
- 2.8 In addition to reading my statement together with Mr Heale's planning evidence to get a complete planning position for Kāinga Ora, my evidence will reference the evidence of:

- Mr Brendon Liggett - Corporate;
- Mr Nicholas Rae - Urban Design; and
- Mr Michael Cullen - Urban Economist.

2.9 I note that the relevant statutory documents have been identified and outlined within the Section 42A reports and I agree with the identification of those matters.

### **3. AREAS OF AGREEMENT WITH SECTION 42A REPORT**

3.1 Having reviewed the respective Section 42A reports, I generally support the following recommendations by the reporting planners on the matters covered within this evidence, and therefore I have not specifically addressed those matters:

- (a) I agree with the amendment to the Introduction text of the MMRZ to remove the list of qualifying matters on the basis that a definition for the term 'qualifying matters' was proposed through Hearing Stream 1;
- (b) I agree with recommendation not to apply the rail corridor as a qualifying matter but to impose a 1.5m setback requirement to the rail corridor within the relevant setback rules in the MRZ and HRZ<sup>2</sup>.

### **4. QUALIFYING MATTERS - CHARACTER**

#### *Statutory Context*

4.1 The Council has applied character as a qualifying matter to exempt the identified character areas from the application of MDRS as a permitted activity and the application of the intensification requirements of Policy 3(c) NPS-UD. The Council has relied on the provisions of sections 77I(j), section 77J and less so section 77L of the RMA to implement a qualifying matter in respect of 'character values'.

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<sup>2</sup> Further submission points F89.27, F89.36 and F89.33

4.2 Section 77I of the RMA relates to qualifying matters in respect of applying MDRS and Policy 3 of the NPS-UD. Clause (j) provides for a “*any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but **only if section 77L is satisfied.***”<sup>3</sup> [emphasis added]

4.3 Section 77L states:

*A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 also—*

- (a) identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and*
- (b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and*
- (c) includes a site-specific analysis that—*
  - (i) identifies the site to which the matter relates; and*
  - (ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and*
  - (iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.*

#### *Kainga Ora Submission*

4.4 In its submission, Kāinga Ora<sup>4</sup> sought the deletion of the Character Precinct provisions contained within the MRZ in their entirety. As an alternative, Kāinga Ora proposed a ‘character overlay’ as a District-wide matter to manage character values within the PDP, and HRZ to apply where the application of Policy 3(c) of the NPS-UD directs higher density development.

4.5 The Kāinga Ora submission sought for the identification of any character values to be managed outside of the MRZ chapter because:

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<sup>3</sup> S77I(j) RMA 1991

<sup>4</sup> Submission point 391.314

- a. The Council had not adequately assessed the appropriateness of character as a qualifying matter under section 77J of the RMA, and particularly not under section 77L, which is required for a matter to be applied as “any other matter” under section 77I(j);
- b. A HRZ should apply in areas subject to Policy 3(c) of the NPS-UD, which includes areas and properties that are subject to the proposed character areas; and
- c. An overlay is a more appropriate planning method/mechanism in a District Plan to manage character values that are different from the underlying zone provisions or precinct. This is in consistent with the National Planning Standards and provides for the management of character values across multiple zones.

#### *Planning assessment*

- 4.6 I have reviewed the Section 32 Evaluation Report – Part 2 Character Precincts and the Mt Victoria North Townscape Precinct, the Boffa Miskell Pre-1930 Character Area Review 2019, Property Economics Wellington City Qualifying Matters Capacity Assessment November 2022, and the section 42A reports for Stream 2 – Part 3, Residential Zones – Part 4: Character Precincts, Mount Victoria North Townscape Precinct, Character Precincts Design Guide, Mount Victoria North Design Guide.
- 4.7 Following my review of the above documents, and taking into account the evidence provided by Mr Rae and Mr Cullen, I have reached the following conclusions in respect of the application of Character Precincts as a qualifying matter:
  - (a) The Council has identified the specific characteristics of the character areas and assessed individual properties within the identified areas.<sup>5</sup> However, it has not taken the next necessary step to explained why each of these areas are unsuitable for

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<sup>5</sup> Boffa Miskell Pre-1930 Character Area Review January 2019

intensification, other than identifying a potential erosion of character values<sup>6</sup>;

- (b) The Council has not fully assessed the proposed Character Precinct provisions against the directive requirements of the NPS-UD to determine whether protecting character values has greater importance than providing for intensification in light of the national significance of urban development and the objectives of the NPS-UD, as required under s77L(b); and
- (c) The Council has failed to assess an alternative option for managing character within the HRZ, which I consider was a necessary and reasonable step in order for the Council to meet its obligations under section 32 of the RMA.

*Council's assessment of character as a qualifying matter*

4.8 In accordance with section 77L of the RMA, Council should have assessed the following criteria in relation to the Character Areas to determine whether these Precincts should be considered as qualifying matters:

- (a) What are the specific characteristics of the character areas which make them unsuitable for development in accordance with the MDRS or Policy 3 of the NPS-UD.
- (b) Why are character values in these areas more significant than the national significance of urban development and the objectives of the NPS-UD.
- (c) What are the range of options to achieve the greatest heights and densities permitted by the MDRS or provided for in Policy 3 whilst managing character values.

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<sup>6</sup> Section 32 Evaluation Report, Part 2: Character Precincts and the Mt Victoria North Townscape Precinct pg 44 section 9.1

*Section 77L(a) of the RMA*

- 4.9 The Council engaged Boffa Miskell to undertake a detailed assessment of the six-character areas contained in the Residential Chapter of the Operative District Plan (ODP).<sup>7</sup> While this assessment is comprehensive and identified the particular character values which contribute to each area, I do not consider the assessment undertaken by Boffa Miskell or the Council assessment appropriately considered why applying Policy 3(c) of the NPS-UD would be inappropriate.
- 4.10 In my opinion, the Council should have commissioned a further expert report to fully assess the potential effects intensification, required by Policy 3 of the NPS-UD, would have on the character values within these areas. Without this assessment, it is impossible to understand whether intensification can be undertaken in a way which manages character values. This is particularly relevant as each character area potentially has distinct values and characteristics that may have resulted in applying the NPS-UD and requirements of the Amendment Act to each area differently.
- 4.11 This is particularly relevant in light of Policy 3 of the NPS-UD which is relatively direct and unambiguous and, in my opinion, leaves little room for interpretation. Council accepts that the Character Precinct areas are within locations appropriate for intensification<sup>8</sup>. However, it is difficult to reconcile how, in light of this clear national direction, character values can be considered more important than intensification.

*Conclusion*

- 4.12 Based on the assessments that support the Section 32 Evaluation Report, I do not consider the Council has satisfied section 77L(a) as the assessment undertaken did not consider how the special characteristics of each area make these areas unsuitable for intensification.

*Section 77L(b) of the RMA*

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<sup>7</sup> Boffa Miskell Pre-1930 Character Area Review 2019

<sup>8</sup> Section 32 Report – Part 2: Character Precincts and Mt Victoria North Townscape Precinct, pg 33, para 5.3 Issue 3.

- 4.13 Objective 3 of the NPS-UD provides a clear direction for district plans to enable more housing, business and community services to be located close to commercial centres, existing or planned public transport and where there is high demand for housing and business land. All of the character areas identified in the PDP are within walkable catchments of commercial centres and public transport and in areas of high demand.
- 4.14 Other than articulating a concern about the erosion of character values as a result of intensification,<sup>4</sup> Council does not appear to have assessed why character should have an elevated importance over the national significance of urban development, which is clearly directed by Objective 3 of the NPS-UD.
- 4.15 Objective 1 of the NPS-UD provides for well-functioning urban environments to enable people and communities to provide for their social, economic, and cultural wellbeing and for health and safety, now and into the future. Policy 1 gives effects to Objective 1 by providing more direction as to what a well-functioning urban environment includes. Whilst character may contribute to the value and sense of place a community experiences in a particular location, there is nothing in Objective 1 or Policy 1 to suggest that character values should take precedence over the requirement to create well-functioning urban environments.
- 4.16 Objective 4 and Policy 6 are also clear and directive in respect of the need to accept changes to amenity values to accommodate the required intensification. The RMA defines amenity values as “*those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*”. Character is clearly an amenity value and to give effect to Objective 4 and Policy 6 of the NPS-UD the PDP must accept that the character values within these areas will change over time.
- 4.17 In my opinion, this is in part achieved through the PDP provisions which allows for a consenting pathway for new development and

recognises that the character areas will undergo change over time. However, development opportunities are still restricted in the PDP through zoning and a full assessment against Policy 6 should be undertaken to ensure planning decisions have particular regard of the planned urban built form anticipated by the NPS-UD and recognise that character as an amenity value can be expected to undergo significant change in light of the direction and aspirations of the NPS-UD, and that in itself is not an adverse effect.

#### *Conclusion*

- 4.18 Based on the assessment that support the Section 32 Evaluation Report, I do not consider the Council has sufficiently justified why character values are of such importance that they warrant overriding the overarching Objectives 1 and 3 of the NPS-UD.

#### *Section 77L(c) of the RMA*

- 4.19 In relation to section 77L(c) of the RMA, the Council's Section 32 Evaluation Report for Character Precincts relies on the Boffa Miskell assessment and notes that the precinct provisions "*have been aligned with the standards provided for through MDRS*"<sup>9</sup> but does not specifically assess why the character values are such that higher density development in accordance with Policy 3(c) of the NPS-UD would be inappropriate. Nor does the Council's Section 32 Evaluation Report (or the Section 42A Report for Character Precincts) justify why the character values make the level of development anticipated by the NPS-UD objectives inappropriate in light of the recognised national significance of urban development.
- 4.20 The Council's Section 32 Evaluation Report<sup>10</sup> on Character Precinct identifies that many Wellingtonians' value the contribution the ODP Character Areas make to the City. The evaluation also acknowledges that conversely, many of the Character Areas are located in areas appropriate for intensification under the NPS-UD and the Amendment

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<sup>9</sup> Section 32 Evaluation Part 2: Character Precincts and the Mt Victoria North Townscape Precinct pg 45 section 9.1

<sup>10</sup> Section 32 Evaluation Report, Part 2: Character Precincts and the Mt Victoria North Townscape Precinct

Act and that feedback also indicated strong support for intensification in these areas due to their proximity to commercial centres, amenities and public transport.<sup>11</sup>

- 4.21 The Report concludes that the character which results from significant concentrations of pre-1930 buildings is a defining feature of the area and incorporating the MDRS provisions and requirements of Policy 3 of the NPS-UD may result in an erosion of that character or allow development which is incompatible with the character of the areas<sup>12</sup>. For these reasons the Council concludes that character is a qualifying matter.
- 4.22 The report contains no further explanation or assessment to consider the following:
- (a) Whether a high density residential zone would be appropriate to balance the requirements of Objective 3 and Policy 3 of the NPS-UD; or
  - (b) Whether there are alternative options for managing character, to recognise Objective 4 and Policy 6 of the NPS-UD which requires decision makers to acknowledge amenity values will change over time as a result of planned built form anticipated by the NPS-UD.
- 4.23 I consider an assessment on both aspects listed above should have been completed in order to support the conclusions reached in the Section 32 Evaluation Report. Instead, the Section 32 Evaluation Report for Character Precinct only assesses the following options:
- (a) PDP approach;
  - (b) Status Quo (Operative District Plan approach); and
  - (c) No policies, rules or other methods.

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<sup>11</sup> Section 32 Evaluation Part 2: Character Precincts and the Mt Victoria North Townscape Precinct pg 33-34 section 5.3

<sup>12</sup> Section 32 Evaluation Report, Part 2: Character Precincts and the Mt Victoria North Townscape Precinct pg 44 section 9.1

- 4.24 I do not consider the assessed options were sufficient in order for Council to meet the requirements under section 32 to determine whether the Character Precincts as notified are the most appropriate way to achieve the purpose of the Act.
- 4.25 I consider a reasonable alternative would have been to assess the application of the HRZ to allow for higher density of development and undertake a more bespoke assessment of each character area to understand its specific ability to absorb higher density development in accordance with the Policy 3 of the NPS-UD. I do not consider this assessment to be unreasonable, particularly given the location of the Character Areas and the close proximity to features that would otherwise enable more intense residential outcomes.

*Conclusion*

- 4.26 I consider the Council has failed to assess all alternatives and options to provide for the highest density and heights required under MDRS and Policy 3 of the NPS-UD.
- 4.27 In the section 32 Evaluation Report – Part 2: Character Precincts Council acknowledge a high risk<sup>13</sup> associated with the proposal based on the tension between comprehensively giving effect to national direction for intensification and maintaining character. Although the overall scale and significance of the provisions were considered medium the high risk associated with the provisions should have signalled a clear need for a more in-depth analysis and assessment of a wider range of alternatives, including managing character values with an underlying high density residential zone.
- 4.28 Council have also undertaken an economic impact assessment<sup>14</sup> which concludes that character as a qualifying matter has the second biggest impact on development capacity as these areas are closer to the City Centre and typically have a higher land value making apartments more realisable within these areas under the HRZ.

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<sup>13</sup> Section 32 Evaluation – Part 2: Character Precincts and Mt. Victoria North Townscape Precinct pg 38 para 6.1

<sup>14</sup> Property Economics Wellington City Qualifying Matters Capacity Assessment November 2022

- 4.29 Mr Cullen provides evidence to support greater capacity to offer the market increased volume of “realisable” residential development within a walkable catchment of centres and transport networks to give effect to Objective 3 of the NPS-UD
- 4.30 The NPS-UD requires Council’s to provide ‘at least’ sufficient capacity to meet demand. Council’s section 32 Evaluation repeatedly refers to development capacity exceeding the identified demand<sup>15</sup> as a justification for applying character as a qualifying matter. The implication being that as demand capacity is exceeded it is acceptable to reduce development opportunity in the character precinct areas. Whilst Council’s capacity assessment is not disputed, Policy 2 of the NPS-UD sets demand capacity as a minimum and not a target. Further, Objective 3 has a clear direction on where intensification should be located (which is in areas where the Character Precincts are located). I do not agree with the Council’s approach to reduce intensification within the character areas on the basis that demand will be supplied elsewhere. This approach is not consistent with the requirements of the Amendment Act or the NPS-UD due to the lack of justification for the qualifying matter.
- 4.31 Overall, I consider that section 77L presents a high benchmark for applying an ‘other’ qualifying matter and that the assessment that the Council has undertaken has not satisfied the tests required under section 77L of the RMA.

## **5. PLANNING METHODS – PRECINCTS AND OVERLAYS**

- 5.1 In its submission<sup>16</sup> Kāinga Ora sought that character was managed outside of the MRZ as an overlay. The submission sought that the HRZ would apply to the majority of the Character Precinct areas and Mt Victoria North Townscape Precinct and Oriental Bay Height Precinct areas.

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<sup>15</sup> Section 32 Evaluation – Part 2: Character Precincts and Mt. Victoria North Townscape Precinct pgs 49, 50, 53, 57. 65

<sup>16</sup> Submission point 391.314

- 5.3 The National Planning Standards provide for the use of an overlay which has a function of spatially identifying distinctive values, risks or other factors which require management in a different manner from the underlying zone provisions. An overlay would sit within the District-wide matters chapter and can cover multiple zones.
- 5.4 I consider the use of an overlay would be an appropriate mechanism for managing character, noting that the purpose is to manage the distinctive values of these areas and that the provisions could apply to multiple zones (MRZ and HRZ). This is an approach that has been adopted by other Councils i.e., the use of an overlay to manage the values across the district. This will also ease plan useability and implementation.
- 5.5 I support the deletion of these precincts from the MRZ as I consider the HRZ more appropriate for these areas given they are located in areas suitable for intensification in accordance with Policy 3(c) of the NPS-UD. However, I consider it appropriate that Oriental Bay Height Precinct remain as Precincts, although the Precincts should be located within the HRZ chapter or outside the zone chapters but within the Residential section of Part 3 of the PDP. I will discuss this in more detail below.
- 5.6 The Mt Victoria North Townscape Precinct has a new unique purpose which I will discuss in further detail later in this evidence. Based on my recommendations, it may be appropriate that the townscape values sought to be managed by the Precinct provisions in Mt Victoria North Townscape are managed in an alternative manner through the PDP.

## **6. CHARACTER PRECINCTS**

### *Context*

- 6.1 As noted above, it is my opinion that the Council has not undertaken a sufficiently detailed assessment within the section 32 evaluation or section 42A report to meet the tests of section 77L in respect of character as a qualifying matter. Whilst I appreciate and understand the outcomes Council is trying to achieve in relation to balancing character and intensification, I am concerned that a more thorough and

rigorous assessment may have led to different outcomes for managing character within the PDP.

*Increased Spatial Extent of Character Precincts*

- 6.2 Council's section 42A report for Character Precincts proposes an increased spatial extent of the Character Precinct areas on the basis that the notified extents omit areas of concentrated character and so do not achieve the intent of MRZ-PREC01-O1; the amended spatial extents are more consistent with the adopted methodology; development capacity still exceeds expected demand and allows for significant development capacity to be realised in line with MDRS and NPS-UD requirements.
- 6.3 The increase in spatial extent results in a downzoning of areas previously proposed as HRZ to MRZ.
- 6.4 In light of my opinion above that the Council has failed, in the first instance, to adequately assess the appropriateness of character as a qualifying matter, I consider the section 32AA assessment in relation to further increasing the spatial extent of these areas to be inadequate to justify the increase. Whilst a capacity assessment has been undertaken, this represents only one element of the consideration required. Ultimately, the assessment fails to address the fundamental matter of whether character should be prioritised over intensification.

*Alternatives for managing character*

- 6.5 As concluded above, without a thorough and rigorous assessment (which I consider has not been completed to date), no conclusion can be reached as to whether character is appropriate as a qualifying matter despite its value to the local community., I consider it impossible to ignore the more directive outcomes for higher density development sought by the NPS-UD and therefore consider that a more balanced method of managing character and enabling intensification is appropriate. Objective 1 of the NPS-UD seeks well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural

wellbeing. There is a question as to whether character values are localised values or whether they benefit all people and what their contribution is to the wider Wellington community.

- 6.6 As noted above, an overlay mechanism is considered to be the most appropriate means of managing character through the PDP. I recommend the overlay require the management of character through a consenting pathway with matters of discretion related to achieving an outcome that positively responds to the local character values, which are typically streetscape focused.
- 6.7 For the reasons assessed above, I consider a HRZ appropriate to give effect to Objectives 1 and 3 and Policies 1 and 3 of the NPS-UD. Applying the MRZ in Policy 3(c) areas goes against the fundamental principles of the NPS-UD and Amendment Act. It is difficult to envisage an outcome where character (as an amenity value) takes precedence over this clear national direction, particularly when Objective 4 and Policy 6 are so directive around changes to amenity value in order to achieve the required intensification.
- 6.8 Whilst future development may not always be able to realise the full extent of the bulk and location parameters anticipated within the HRZ density can be achieved in other ways, such as through the use of smaller units or alternative design solutions. Furthermore, the HRZ future proofs the areas to provide for the future needs of the community, as required by Objective 1. This approach would also give effect to Objective 2 and Policy 2 of the NPS-UD by providing for increased development capacity in the long term.
- 6.9 Kāinga Ora provided a draft Character Area Overlay Chapter with its submission<sup>17</sup>. I have considered the overlay provisions and in my opinion some amendments are recommended to ensure the provisions adequately manage effects on character values and that the Objectives and Policies clearly express the intended design outcomes sought in these areas.

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<sup>17</sup> Submission point 391.313

- 6.10 While I have provided some proposed amendments in this statement of evidence, I suggest further work is required to finalise provisions and it may be appropriate for Planners to caucus the drafting outcomes to ensure a successful Chapter that integrates with the PDP.
- 6.11 I have attached my recommended Character Area Overlay provisions at **Appendix B** of my evidence.
- 6.12 I have prepared a section 32AA assessment which supports a proposed overlays set out in **Appendix A** of my evidence.

## 7. OTHER PRECINCTS

### *Mt Victoria North Townscape Precinct*

- 7.1 The Council has applied the Mt Victoria North Townscape Precinct as a qualifying matter to provide less enabling provisions than the MDRS and NPS-UD direct.
- 7.2 St. Gerard's Monastery and the escarpment below it are recognised as one of Wellington's most iconic urban landscapes. The townscape areas below the Monastery make a significant contribution to the urban landscape which is distinct to Wellington. The PDP notes that the Mt. Victoria North Townscape Precinct does not seek to protect historic heritage values. However, its purpose appears to be intrinsically linked to the protection of heritage values associated with the Monastery and its setting.
- 7.3 In its submission,<sup>18</sup> Kāinga Ora sought to delete the Mt. Victoria North Townscape Precinct provisions. I note the area is also within a Character Precinct area. The PDP distinguishes between the features managed within each Precinct. The Character Precinct's purpose is to manage streetscape values which are more localised and have a much smaller viewpoint, whereas the townscape values have a long-range viewpoint from public spaces.

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<sup>18</sup> Submission point 391.315 and 391.319

- 7.4 I support the purpose of the Mt. Victoria North Townscape Precinct and consider the townscape values are important to protect and manage as an iconic part of Wellington which is appreciate by both the community and visitors to the region.
- 7.5 Given the purpose of the Precinct it may be more appropriate that Council seeks heritage protection for the area to achieve the purpose of the RMA in relation to section 6(f) *'protection of historic heritage from inappropriate subdivision, use and development.'* In my opinion, a greater level of protection and management should be applied to the values identified in the Mt. Victoria North Townscape in the PDP. However, as noted above, I do not consider the appropriate assessment has been undertaken by the Council to determine this.
- 7.6 Policy 21 of the Regional Policy Statement for the Wellington Region relates to 'identifying places, sites and areas with significant historic heritage values – district and regional plans'. Policy 21(b)(v) identifies a townscape value as a place that contributes to the heritage values of a wider townscape setting and is a landmark. St Gerard's Monastery and the escarpment below are undoubtedly a landmark feature and the townscape setting below should be managed to protect those physical features.
- 7.7 To give effect to Policy 21, it may be more appropriate that the Mt Victoria North Townscape Precinct area sit within the Historic Heritage Chapter of the PDP and is managed as a heritage setting area. Council's Section 32 Report – Part 2: Residential Zones has not directly assessed the Precinct in relation to Policy 21 of the RPS.
- 7.8 The PDP Strategic Direction also seeks to protect values and characteristics which are an important part of the City's identity and sense of place<sup>19</sup> and provide for well-functioning urban environment which respect the City's historic heritage.<sup>20</sup> Therefore I consider it

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<sup>19</sup> PDP Part 2 Strategic Direction – Capital City - Objective CC-O2 – “*values and characteristics that area an important part of the City's identify and sense of place are identified and protected.*”

<sup>20</sup> PDP Part 2 Strategic Direction – Urban Form and Development – Objective UFD-O7 “*Development supports the creation of a liveable, well-functioning urban environment that enables all people and communities to provide for their social, economic, environmental, and cultural wellbeing, and for their health and safety now and into the future. Development will achieve this by:..... 6. Respecting the City's historic heritage.....*”

would be more appropriate and consistent with the Strategic Objectives to seek a higher level of protection for the Mt Victoria North Townscape Precinct area. Further work from experts is required in this regard and that could be addressed in Hearing Stream 3.

- 7.9 Notwithstanding the above assessment, Policy 3 of the NPS-UD directs that this area should be zoned for higher density development. As noted above in relation to Character Precinct areas, there is a fundamental principle sought by the NPS-UD to provide for higher intensification within walkable catchments. While there may be particular characteristics which limit the feasibility of providing higher density development, the Council has not presented compelling evidence as to why the underlying zone cannot be HRZ to provide for density whilst other controls manage the townscape values. I therefore support and continue to seek for the application of the HRZ in this area.

#### *Oriental Bay Height Precinct*

- 7.10 The Council has applied the Oriental Bay Height Precinct to provide an alternative set of bespoke provisions for this area, to recognise the potential for higher density residential development whilst managing height to offer protection for the amenity of properties to the rear and the public along Oriental Parade. The height also serves to protect townscape views of St Gerard's Monastery and the escarpment below.<sup>21</sup>
- 7.11 The Oriental Bay Height Precinct has not been applied as a qualifying matter. As the provisions do not seek to limit the number of residential units but instead manage height, it is unclear why the application of the MRZ is more appropriate than the HRZ. The Council's Section 32 Evaluation Report – Part 2: Residential Zones notes that the purpose of the Precinct is to accommodate medium to high density residential

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<sup>21</sup> PDP Part 3 Residential Zones – Medium Density Residential Zone – MRZ-PREC03 Oriental Bay Height Precinct.

development.<sup>22</sup> However, the Report does not assess the option of placing a HRZ over the Precinct area, other than in relation to more general considerations about zoning and walkable catchments.

- 7.12 I support the use of precincts as a tool to manage development within the Oriental Bay Precinct Area, particularly in recognition of the 1998 Environment Court (W73/98) decision. However, I consider it more appropriate to apply an underlying zoning of HRZ to reflect the anticipated 'medium to high density' within the area and to give effect to Policy 3 of the NPS-UD given the Precinct area is within a walkable catchment of the City Centre Zone.
- 7.13 The Council has not applied the Oriental Bay Height Precinct as a qualifying matter, yet the PDP requires a restricted discretionary pathway for new buildings within the precinct, thereby making the provisions less enabling than the MDRS. Without applying a qualifying matter, the Council has not justified how they have applied this less enabling provision. Furthermore, the Council has provided no justification for not giving effect to the NPS-UD in respect of a HRZ for the area.
- 7.14 In my opinion, if the purpose of the precinct is to control the height of buildings, then a permitted activity status for new buildings, subject to compliance with the PDP height limits, would be an appropriate option. If the Council seeks to control more than height, for example, design then the use of a qualifying matter would be appropriate, but this would still need to be justified.
- 7.15 I recommend that the Oriental Bay Height Precinct provisions are deleted from the MRZ and inserted into the HRZ. Further, to support this approach, amendments are required to allow for new buildings to be constructed as a permitted activity subject to compliance with the relevant standards. I consider a discretionary activity status for non-compliance with the setback, height and height in relation to boundary standards is also required.

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<sup>22</sup> Section 32 – Part 2: Residential Zones pg 29 section 9.0

- 7.16 A discretionary activity status is more consistent with the remainder of the Residential Zone provisions and still allows for appropriate consideration of effects in line with the relevant Objectives and Policies.

*Sunrise Boulevard Precinct – Ara Poutama Aotearoa, the Department of Corrections*

- 7.17 Kāinga Ora has liaised with Ara Poutama Aotearoa, the Department of Corrections in relation to their proposed Sunrise Boulevard Precinct to manage security risks associated with increased intensification adjoining Arohata prison.
- 7.18 The Kāinga Ora submission<sup>23</sup> sought an underlying zoning of HRZ to this area which is generally supported in Mr Heale and Mr Rae's evidence.
- 7.19 While I agree that an underlying zoning of HRZ is appropriate for the reasons outlined in Mr Heale and Mr Rae's evidence I also support in principle the use of a precinct to manage security effects. The use of a precinct as a planning mechanism to modify the underlying zone approach would allow for specific provisions to restrict height and provide for matters of discretion which relate to adverse effects on the operation and function of the prison as opposed to more general amenity effects.

## **8. ROLE AND STATUS OF DESIGN GUIDES**

- 8.1 Kāinga Ora made a number of submissions seeking to clarify the role and status of the design guides.<sup>24</sup> These submissions are consistent with the approach Kāinga Ora has taken on this issue both nationally and regionally.
- 8.2 Kāinga Ora agrees that high quality design is important to successfully achieve a well-functioning urban environment, and to support walkable

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<sup>23</sup> Submission point

<sup>24</sup> Submission point 391.765

living environments. However, there is a difference of opinion about the most efficient and appropriate method to achieve this.

- 8.3 Overall, Kāinga Ora supports design guidance, but seeks that the design Guidelines generally sit outside the PDP as a non-statutory document to assist the plan user as a guide in assessment of a proposal against the planned outcomes of the District Plan. The Plan should then more clearly and specifically articulate the intended design outcomes in the relevant guiding policies and relevant matters of discretion for activities and rules. I support this approach.

*Statutory vs Non-Statutory Design Guides*

- 8.4 The reporting officer did not support the Kāinga Ora position that the Design Guides should have non-statutory status.
- 8.5 In my opinion, design guidance should be used 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 within the provisions elevates the guide to a *de facto* rule or standard in its own right.
- 8.6 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 by Kāinga Ora, which I support.
- 8.7 In the Kāinga Ora submission, the key design outcomes expressed within the Council's proposed design guidance were reformed and articulated directly into amended District Plan provisions (MRZ-P6, MRZ-P7, HRZ-P6 and HRZ-P7). The design outcomes, as expressed through the policies, have been reviewed further by Mr Rae. These revised policies are set out in **Appendix 1** of Mr Heale's evidence.

- 8.8 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 also anticipates design guidance to be a non-regulatory method.
- 8.9 Policy 54 to the RPS, requires district plans to have particular regard to achieving the region's urban design principles, as set out in Appendix 2 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.

*Amendments to policies to support high quality design outcomes*

- 8.10 Ultimately, if there are critical outcomes that the Design Guidelines are trying to achieve, then these matters should be expressly outlined 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 policy. 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.
- 8.11 The reporting officer states in the Section 42A Report Part 3 – Residential Zones, Part 6 Residential Design Guide that due to the level of intensification anticipated under the PDP, statutory design guidance to achieve good built form, design and environmental outcomes is necessary<sup>25</sup>. I agree that design guidance is required to achieve these outcomes. However, in my opinion, those outcomes can be efficiently achieved with reference to the key design outcomes in the relevant policies. I consider this approach is more directive and user-friendly as it provides clear direction on design outcomes with the design guide then used to provide further context and information to assist with

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<sup>25</sup> S42A para 58 (no page numbers)

understanding of the specific outcomes. This approach also allows for flexibility in respect of urban design mechanisms utilised to achieve the outcomes.

- 8.12 I do not agree with the reporting officer that removal of the design guides from a statutory context would lead to confusion and a complex transition. The process is a full district plan review and the PDP is, by its nature, an entirely different plan in a different format and presents an opportunity to consider the appropriateness of managing design outcomes. Just because the design guides have always been a statutory part of the plan does not provide sufficient justification for continuing this approach.
- 8.13 I have reviewed the Kāinga Ora submission<sup>26</sup> in respect of amendments to MRZ-P6, MRZ-P7, HRZ-P6 and HRZ-P7 which sought the deletion of the wording '*fulfils the intent of the Residential Design Guide*' to be replaced with the following:

*Achieves the following urban design outcomes:*

- a. Provides an effective public private interface;*
  - b. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;*
  - c. Provides high quality buildings;*
  - d. Responds to the natural environment.*
- 8.14 In my opinion, this proposed wording provides clarity and direction on the design outcomes whilst allowing a degree of flexibility as to how these outcomes may be achieved. The outcomes can be further supported by the design guides which provide information and assistance in a non-statutory capacity.

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<sup>26</sup> Submission point 391.448, 391.450, 391.341, 391.343

8.15 As noted above I support a amendments to policies MRZ-P6 and HRZ-P7 in **Appendix 1** of Mr Heale’s evidence to reflect the Kāinga Ora position, as informed by Mr Rae.

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

**9. COMMERCIAL ACTIVITIES AT GROUND FLOOR IN THE HIGH DENSITY RESIDENTIAL ZONE**

9.1 The submission<sup>27</sup> by Kāinga Ora sought the amendment of rule HRZ-R9 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.

9.2 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 activities 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; and
- (c) Activity at the street, as facilitated by small commercial tenancies, improves safety and surveillance, which improves walkability.

9.3 Policy HRZ-P14 as notified allows for non-residential activities that, amongst other matters, “*support the needs of the local community*” and “*contribute positively to the urban environment and achieve attractive*

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<sup>27</sup> Submission point 391.465

*and safe streets*” as well as “*reduce reliance on travel by private motor vehicle*”.

- 9.4 Providing a consenting pathway for commercial activities, albeit with a limited floor area, would achieve the outcomes sought by policy HRZ-P14. In my opinion, this would result in a positive and vibrant urban living environment, which supports a walkable neighbourhood and provides for the health and wellbeing of the community.
- 9.5 In the Section 42A Report: Part 3 – Residential Zones Part 2: High Density Residential Zone, the reporting officer responds to submissions relating to inclusion of commercial activities within by stating that “*the HRZ as notified appropriately provides for commercial activities. HRZ-P1 and HRS-P14[sic] provide policy direction for commercial activities relative to compatibility with a high density residential environment.*” As noted above I agree that these policies do provide direction. However, the rule framework does not align with this policy direction as commercial activities are a discretionary activity.
- 9.6 The PDP settings currently provide a restricted discretionary consenting pathway for community facilities, health care facilities, emergency and education facilities<sup>28</sup>, all of which support the needs of the local community and achieve the outcomes of policy HRZ-P14. However, I consider that providing for commercial activities (subject to a floor limit) with the same activity status (restricted discretionary) is also appropriate in the HRZ, recognising the benefits such activities can bring to the community and to provide well-functioning urban environments.
- 9.7 In recognition of the changes discussed above, I have provided wording changes to HRZ-R9, as set out in **Appendix 1** of Mr Heale’s evidence.
- 9.8 I have prepared a section 32AA assessment as set out in **Appendix A** of my evidence.

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<sup>28</sup> PDP High Density Residential Zone Rule HRZ-R9

## 10. AMENDMENTS TO RESIDENTIAL ZONE PROVISIONS

### *Amenity Values vs Planned Urban Built Form*

- 10.1 In its submission, Kāinga Ora<sup>29</sup> sought amendments to a number of policies to replace the use of the phrase ‘*amenity values*’ with ‘*planned urban built form*’. The amendments were sought to reflect Policy 6 of the NPS-UD which anticipates that the urban built form may be subject to significant changes which may detract from amenity values appreciated by some people.
- 10.2 Amenity values is defined in the RMA as “*those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*”<sup>30</sup> and generally relates to wider considerations that built form. In my opinion consideration of amenity values is more appropriate where a policy or rule relates to an activity which may generate effects beyond just the built environment for example, an adverse effect from noise on people’s health and wellbeing.
- 10.3 I support the Kāinga Ora proposed amendments to policies MRZ-P7 and HRZ-P7 which relate to retirement villages. As retirement villages are residential activities, a key consideration should relate to the built form which is anticipated within the residential zones.
- 10.4 In Council’s Section 42A Report, Part 3 – Residential Zones, Part 2: High Density Residential Zone the reporting officer states that “*the reference to amenity values is not intended to provide any policy basis for the consideration of existing amenity values present in the zone.*”<sup>31</sup> If this is the case, it should be clearly articulated within the policy and the proposed amendment sought by Kāinga Ora achieves that outcome.
- 10.5 In respect of the following policies and rules I support an alternative amendment to those sought through the Kāinga Ora submission:

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<sup>29</sup> Submission points 391.440, 391.333, 391.354, 391.367, 391.369, 391.371, 391.373, 391.375, 391.463.

<sup>30</sup> RMA 1991 Part 1 section 2(1)

<sup>31</sup> Section 42A Report: Part 3 – Residential Zones, Part 2: High Density Residential Zone para 251 pg 43

- (a) MRZ-P1 and HRZ-P1- enabled activities;
- (b) MRZ-P15 and HRZ-P14 – non-residential activities and buildings
- (c) MRZ-R3, MRZ-R4, MRZ-R5, MRZ-R6 and MRZ-R7 and HRZ-R3, HRZ-R4, HRZ-R5, HRZ-R6 and HRZ-R7 – non-residential activities

10.6 In my opinion, the assessment for these activities should relate to more than just effects on planned urban built form but also adverse effects associated with the activity being undertaken in a manner that may be unexpected in a residential environment and which may generate adverse effect incompatible with the health and wellbeing of people living close to the activity. For example, a childcare activity which exceeds permitted activity levels has the potential to generate greater noise levels which may adversely affect more than planned urban built form but affect the health and wellbeing of people living nearby.

10.7 While I note the reporting officers comments within the Section 42A Report, Part 3 – Residential Zones, Part 2: High Density Residential Zone that, as with HRZ-P7, the intention is not to consider existing amenity values, again this should be clearly articulated. Accordingly, I recommend an alternative wording which reflects both Policy 6 of the NPS-UD and the fact that the policies and rules relate to activities as well as built form:

*Recommended amendments to MRZ-P1 & HRZ-P1*

Enable residential activities and other activities that are compatible with the purpose of the Medium Density Residential Zone, while ensuring their scale and intensity is consistent with the ~~amenity values~~ anticipated and planned urban environment ~~for~~ of the Zone, including:.....

Enable residential activities and other activities that are compatible with the purpose of the High Density Residential Zone, while ensuring their

scale and intensity is consistent with the ~~amenity values~~ anticipated and planned urban environment for of the Zone, including:.....

*Recommended amendments to MRZ-P15 & HRZ-P14*

Only allow non-residential activities and buildings that:

1. Support the needs of local communities;
2. Are of an intensity, scale and design that is consistent with the ~~amenity values~~ anticipated and planned urban environment for of the Zone;.....

*Recommended amendments to MRZ-R3, MRZ-R4, MRZ-R5, MRZ-R6 & MRZ-R7 and HRZ-R3, HRZ-R4, HRZ-R5, HRZ-R6 & HRZ-R7*

Matters of discretion are:

The extent to which the intensity and scale of the activity adversely impacts on the ~~amenity values of~~ anticipated urban environment experienced by nearby residential properties and the surrounding neighbourhood.

*MRZ-P3 & HRZ-P3 – ‘tenure’*

- 10.8 In its submission, Kāinga Ora<sup>32</sup> sought to remove reference to ‘tenure’ from policies MRZ-P3 and HRZ-P3 on the basis that tenure should not be managed through the District Plan. Kāinga Ora considered the outcomes sought by the policies should be to provide for a range of housing typologies and sizes to meet the needs of the community. Tenure relates to the occupation of dwellings which is not relevant to the policy outcomes.
- 10.9 In the Section 42A Report: Part 3 – Residential Zones, Part 3: Medium Density Residential Zone, the reporting office recommends amendments to MRZ-P3 (the same amendments are recommended to HRZ-P3 in the s42A for HRZ). However, the reporting officer does not support removal of tenure noting instead that the policy “*encourages, and does not require, a variety of tenures*”. I support the Kāinga Ora

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<sup>32</sup> Submission points 391.444 and 391.337

submission that tenure is not a relevant planning matter that should be controlled through the District Plan.

- 10.10 I agree in part with the reporting officer's recommendation to amend the policies, but I consider that 'type' should remain and that 'tenure' should be deleted to ensure the outcomes sought by the policies are clear and focused. I recommend the following wording:

Enable housing to be designed to meet the day-to-day needs of residents, including by ~~and~~ encouraging a variety of housing types, and sizes ~~and tenures~~ to cater for people of all ages, lifestyles and ~~abilities~~ impairments.

*MRZ-S12 and HRZ-S12 – Minimum residential unit sizes for multi-unit housing*

- 10.11 Mr Heale's evidence for Hearing Stream 1 addressed the matter of multi-unit housing as a definition. In its submission, Kāinga Ora<sup>33</sup> sought to amend MRZ-S12 and HRZ-S12 (amended to MRZ-S11 and HRZ-S11 within the section 42A report) to allow for smaller studio unit floor areas and delete a minimum floor area requirement for 2 bedroom units preferring instead to have a single floor area for any unit with 1 or more bedroom.
- 10.12 In my opinion, the PDP does not need to be prescriptive on minimum floor areas for residential units as this does not provide for flexibility or allow for a variety of options around size, which is consistent with Policy HRZ-P3 and MRZ-P3. Council considers the minimum unit sizes proposed are appropriate to achieve a 'liveable or useable'<sup>34</sup> residential unit. However, this approach is overly prescriptive, outdated and fails to recognise that high quality urban design outcomes can be achieved at a smaller footprint. For example, tiny homes often have a small footprint but are purpose built and well designed to provide a high quality accommodation option.

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<sup>33</sup> Submission points 391.421 and 391.492

<sup>34</sup> Section 42A HRZ pg 120 para 855 & MRZ pg

10.13 Furthermore, as the standard only applies to developments of more than three residential units the consenting pathway will allow for consideration of urban design outcomes to provide onsite amenity for future occupants.

10.14 I recommend the standard is deleted in its entirety.

*MRZ-S13 & HRZ-S13 – communal outdoor living area*

10.15 Mr Heale's evidence for Hearing Stream 1 dealt with the matter of multi-unit housing as a definition. In its submission, Kāinga Ora<sup>35</sup> sought that MRZ-S13 and HRZ-S13 replace MRZ-S6 and HRZ-S6 respectively to provide a single standard for outdoor living regardless of the number of units. Council has not accepted this amendment and I note that MRZ-S6 and HRZ-S6 adopt the Amendment Act standards.

10.16 Council's reporting officer adopts the recommendations of Dr Zamani who recommends an increase in communal outdoor living space. Mr Rae has provided evidence in respect of the requirement for communal outdoor living space.

10.17 I support the Kāinga Ora submission that there only needs to be one standard for outdoor living and MRZ-S13 and HRZ-S13 provide the appropriate outdoor living requirements for all developments, regardless of the number of units.

10.18 However, I recommend that communal outdoor living space requirements are deleted. The intent of the PDP is to provide for well-functioning urban environments in accordance with the NPS-UD, these urban environments already include and will include in the future a range of outdoor amenity features and spaces which can be utilised and accessed by those living in higher density residential accommodation. These areas will provide a far more meaningful and useable space than a modest amount of communal living area which has the potential to be poorly managed and inadequate to service the actual needs of residents.

- 10.19 In recognition of the changes to the HRZ and MRZ provisions discussed above, I have provided amendments within **Appendix 1** of Mr Heale's evidence.
- 10.20 I have prepared a section 32AA assessment to consider my proposed amendments, as set out in **Appendix A** of my evidence.

## 11. CONCLUSION

- 11.1 The national direction contained within the NPS-UD requires the Council to provide for well-functioning urban environments which are capable of absorbing change over time. The NPS-UD specifically acknowledges that urban environment should provide for at least sufficient opportunities for housing and business land to meet demand and that a range of dwelling types within different locations are provided to meet the needs to people and communities for current and future generations.
- 11.2 In my opinion, the underlying principles which have informed the amendments sought through the Kāinga Ora submission on the PDP will better align the PDP with the NPS-UD and the purpose and principles of the RMA as amended by the Amendment Act.
- 11.3 Furthermore, the amendments sought by Kāinga Ora, which I have assessed throughout my evidence will strike an appropriate balance between managing adverse effects of development and enabling opportunities and change to provide for well-functioning urban environments.
- 11.4 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 NPS-UD.

*Woodbridge*

**Victoria Emily Jane Woodbridge**  
**16 March 2023**

## Appendix A – Section 32AA assessment

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

**Table 1: HRZ in Character Precinct areas**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• The recommended amendments to provide for a HRZ over the Character Precinct areas is an effective and efficient means of giving effect to higher order documents, particularly the NPS-UD, National Planning Standards and the PDP strategic objectives (including CC-O3,CEKP-O2, UFD-O1, UFD-O3, UFD-O4, UFD-O4, UFD-O5, UFD-O6, UFD-O7)</li> <li>• Using the methodology recommended by MfE and discussed in the evidence of Mr. Heale (both for Hearing Stream 1 and 2) the Character Precinct areas are within a walkable catchment of commercial zones or existing / planned public transport and therefore appropriate for HRZ.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>• The rezoning to HRZ is consistent with the direction provided by the NPS-UD, and will clearly signal where the greatest level of intensification is anticipated and directed to.</li> <li>• A significant degree of additional capacity is enabled, providing for a change in housing preferences over time and thereby improving housing choice and affordability.</li> <li>• 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.</li> <li>• The increased spatial extent will result in a greater degree of change to the character of the existing residential environment.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The risk of not acting is that intensification or redevelopment opportunities are not taken up in a way which provides for well-functioning urban environments.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• 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 the PDP.</li> </ul>

**Table 2: Character Area Overlay**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• The recommended overlay provisions provide an effective approach to managing character values within the identified character areas across the district.</li> <li>• The provisions give effect to the relevant Objectives and Policies of the NPS-UD (particularly Objectives 1, 2, 3 and 4 and Policies 1, 2, 3 and 6) by providing for increased development opportunities balanced against managing character values to reflect amenity values will change over time and this in itself is not an adverse effect.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>• The Overlay provisions do not present any increased consenting costs compared to the PDP provisions but provide greater clarity for Plan users.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• The risk of not acting is that the PDP does not give effect to the NPS-UD through a continued application of Character Precincts within the MRZ.</li> <li>• 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.</li> <li>• The risk of not acting is that intensification or redevelopment opportunities are not taken up in a way which provides for well-functioning urban environments.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• 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 the PDP or the proposed changes set out in the section 42A report</li> </ul>

**Table 3: Design Guides as non-statutory documents**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• Removing the requirement that development is <i>consistent</i> with the Design Guides removes ambiguity around compliance with guidance.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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</li> </ul>
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Costs/Benefits	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• There will be ongoing cost savings if Design Guides are non-statutory. Otherwise, amendments will need to go through a Schedule 1 process to any amendments over the life of the District Plan.</li> <li>• Design guidance outside of the plan has lesser weighting, so there could be a perception that it has less of a role to play. However, this is resolved, in part, by ensuring that the policy framework clearly articulates the critical design outcomes.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• 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 NPS-UD.</li> <li>• The NPS-UD 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 NPS-UD.</li> <li>• The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• 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 the PDP or the proposed changes set out in the section 42A report</li> </ul>

**Table 4: Commercial activities in HRZ**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• The proposed changes will enable a consent pathway for additional non-residential activities in the HRZ on the ground floor of apartment buildings.</li> <li>• 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.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>• The recommended amendments will introduce a new activity status into the existing rule HRZ-R20, which is simple and effective.</li> </ul>

	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The proposed change requires amendment to the existing rule framework, but costs associated with this are negligible.</li> <li>• The proposed changes could impact the amenity of some people.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• 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 NPS-UD.</li> <li>• The NPS-UD 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.</li> <li>• 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.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• 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 the PDP or the proposed changes set out in the section 42A report</li> </ul>

**Table 5: Amendments to Policies and Rules to remove reference to amenity values (MRZ-P1, HRZ-P1, HRZ-P14, MRZ-P15, MRZ-R3, MRZ-R4, MRZ-R5, MRZ-R6 & MRZ-R7 and HRZ-R3, HRZ-R4, HRZ-R5, HRZ-R6 & HRZ-R7)**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• The amendment recognises the intent to the NPS-UD and in particular Policy 6 which requires decision makers to consider that as a result of intensification and planned urban built form, changes to amenity values will no longer be an adverse effect in themselves.</li> <li>• The proposed changes recognise that a reasonable level of amenity is afforded residents but that within the context of an urban environment amenity values will change over time.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>• The recommended amendments bring the PDP more in line with national direction, particularly Policy 6 of the NPS-UD but will still allow for some consideration of the adverse effects of activities, such as non-residential activities.</li> <li>• There are no costs associated with the amendments which seek only to improve interpretation and bring the PDP in line with national direction.</li> </ul>

Risk of acting or not acting	<ul style="list-style-type: none"> <li>The risk of not acting is that the provisions, as proposed within the PDP, create an expectation around the level of adverse effects which may be considered acceptable or inappropriate.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>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 the PDP or the proposed changes set out in the section 42A report.</li> </ul>

**Table 6: Amendments to Policies MRZ-P3 and HRZ-P3 to remove reference to ‘tenure’**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>The amendments provide a clear expectation of what can reasonably be managed through the PDP. Tenure is not considered a planning matter and therefore not appropriate to be managed through the district plan.</li> <li>Retaining reference to housing ‘type’ is reflective of national direction, in particular Policy 1 of the NPS-UD.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>The recommended amendments provide clearer direction as to what is managed through the PDP provisions in regard to housing typology and diversity.</li> <li>The recommended amendments give effect to the NPS-UD and align more closely with the outcomes sought through the Objectives (MRZ-O2 and HRZ-O2)</li> <li>There are no costs associated with the amendment recommended which in part aligns with the notified PDP and will improve implementation of the PDP Objectives.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>The risk of not acting is that Policies MRZ-P3 and HRZ-P3 do not adequately give effect to the NPS-UD or the PDP Objectives.</li> <li>A further risk is the creation of an expectation as to what is appropriate to manage through the PDP by inclusion of ‘tenure’ in the Policy.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>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 the PDP or the proposed changes set out in the section 42A report.</li> </ul>

**Table 7: Deletion of MRZ-S12 and HRZ-S12 (minimum residential unit sizes for multi-unit housing)**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>The recommended deletion of standards requiring minimum floor areas for residential units recognises that high quality urban design outcomes can be achieved without prescriptive controls on minimum floor areas.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The PDP Policy direction (particularly MRZ-P2, MRZ-P3, MRZ-P8, HRZ-P2, HRZ-P3 and HRZ-P8) provide direction on housing needs and outcomes for residential development.</li> <li>• Development for more than 3 residential dwellings has a consenting pathway where consideration of the relevant policies is a matter of discretion. It is therefore inefficient for the PDP to be overly prescriptive on a matter which can be assessed through a consenting pathway.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>• The benefits of the recommended changes are the streamlining of considerations given developments will already be in a consenting pathway.</li> <li>• Deletion of the standard will allow for flexibility of unit size and ensure standards appropriately give effect to the PDP Objectives and NPS-UD.</li> <li>• Deletion of the standard could result in units being created which do not provide adequate living standards for future residents.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• Both the PDP Objectives and the NPS-UD require a range of housing types and sizes to meet the needs of the community, these outcomes are clearly articulated through policies and PDP matters of discretion.</li> <li>• The relief sought must therefore be considered in light of the controls already within the PDP to manage high quality urban design outcomes.</li> <li>• The risk of not acting is that there is a lack of flexibility which recognises modern design principles and the potential to create high quality living environment in a range of dwelling sizes.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• 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 the PDP or the proposed changes set out in the section 42A report.</li> </ul>

**Table 7: Amendments to MRZ-S13 and HRZ-S13 (communal outdoor living standard)**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• The PDP proposes two different outdoor living standards to differentiate between developments of less than and more than 3 residential units. Providing for a single standard is more efficient and effective and gives effect to the PDP Objectives and the NPS-UD.</li> <li>• The requirement for communal outdoor living does not recognise NPS-UD direction that well-functioning urban environments will provide opportunities for outdoor amenity which will better serve smaller onsite spaces.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>• The recommended amendments will simplify the PDP to the extent that standards are clear and not unduly complex.</li> </ul>

	<ul style="list-style-type: none"> <li>• Developments of more than 3 residential units already require consent with matters of discretion to ensure high quality urban design outcome. The proposed amendment will not increase consenting costs.</li> <li>• The requirement for communal outdoor living space will have an ongoing maintenance cost for future residents in development, the benefit of this space may not outweigh those costs.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• The risk of not acting is that developments provide communal outdoor living space which is underutilised and does not achieve quality urban design outcomes in the long term.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• 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 the PDP or the proposed changes set out in the section 42A report.</li> </ul>

**Appendix B**