

**Before a Panel of Independent Hearing Commissioners
appointed by Wellington City Council**

IN THE MATTER OF the Resource Management Act 1991 (**RMA**)

IN THE MATTER OF the hearing of submissions on the Proposed Wellington City Plan,
Stream 2 – Residential zones and Character Areas

STATEMENT OF EVIDENCE OF MIKE SCOTT FOR WAKA KOTAHI NZ TRANSPORT AGENCY

Dated: 16 March 2023

1. EXECUTIVE SUMMARY

1.1 My full name is Michael John Scott. I am a Principal Planner at Waka Kotahi NZ Transport Agency (**Waka Kotahi**).

1.2 The main themes addressed in my evidence are:

- a) The statutory context created by the National Policy Statement: Urban Development 2020 (“NPSUD”) and the directive requirements under the Resource Management Act 1991 (“RMA”) as amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (HSAA), which introduced the Medium Density Residential Standards (MDRS);
- b) An exploration of the content of the s32 report for the Character Precincts and accompanying documents and the rationale for the recommended approach to areas identified in the PDP as Character Precincts,
- c) Discussion relating to potential amendments to the Medium and High-Density Residential Zones.

1.3 In my opinion, the underlying principles that have informed the proposed changes set out in the Waka Kotahi submission will better align the plan changes with the NPSUD and the purpose, principles and provisions of the RMA as amended by the MDRS. This conclusion is also based on the evidence presented by Mr Cribbens on the importance of accessibility to realising the benefits of intensification.

1.4 The key outcomes sought by Waka Kotahi in relation to the Residential chapters of the plan are:

- (a) rezone Character areas that fall within the walkable catchments to High Density Residential Zone, to give effect to the NPS-UD;
- (b) as recommended in the s42a report, amend policy direction to provide for at least six storeys within those walkable catchments;
- (c) within walkable catchments, provide greater scope for density than the three storeys in the notified plan;

- (d) within the High-Density Residential Zone, provide for some additional small-scale commercial activities that are oriented to meeting the needs of the local community.

2. QUALIFICATIONS AND EXPERIENCE

- 2.1 My full name is Michael John Scott. I am a Principal Planner in the Waka Kotahi Environmental Planning Team.
- 2.2 I graduated from Massey University in 2016 with a Master's degree in Resource and Environmental Planning (1st class honours).
- 2.3 I began my career in planning and resource management in 2015. I was employed by the Opus International Consultants (now WSP) from September 2015 to December 2016.
- 2.4 From January 2017 to September 2021, I worked in the Nelson City Council Planning team, working on a number of topics in the full unitary plan review, the Whakamahere Whakatū Nelson Plan. Starting as a Planning Adviser, I was responsible for a number of chapters, including Heritage, Sites and areas of significance to Māori, Industrial zone, Airport zone, Open space & recreation zones, Designations, and Notable trees. My work included public engagement, policy drafting, workshops with elected members, preparation of s32 evaluation reports and consideration of feedback on the draft plan. During that time, I was made Senior Planning Advisor, leaving in September 2021.
- 2.5 Since that time, I have been working at Waka Kotahi on a range of planning issues affecting the state highway network and the transport system in general.
- 2.6 Among other projects, I am currently working on:
 - (a) Marlborough District Plan mediation on the proposed Marlborough Environment Plan;
 - (b) Let's Get Wellington Moving, as a member of the Technical Advisory Group that oversees the project as it progresses through business case phases and multi-criteria analyses. The project is aimed at improving urban transport and delivering a more liveable city;

- (c) Waka Kotahi Safety projects, including Waitara to Bell Block and Marlborough Airport roundabout; and
- (d) Third party approvals for applications potentially affecting the state highway system, including submissions and evidence on notified applications.

3.0 CODE OF CONDUCT

3.1 While I acknowledge that I am an employee of Waka Kotahi, 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.

4.0 SCOPE OF EVIDENCE

4.1 The purpose of this evidence is to provide to the hearing panel my professional view on the proposed provisions for the Residential zones and how they could be better aligned with the NPS-UD and the RMA, as amended by the HSAA. My evidence also has regard to the strategic direction for Waka Kotahi as an organisation, as set out in the corporate evidence of Kesh Keshaboina dated 8 February 2023 for Hearing Stream 1.

4.2 As part of preparing this evidence, I have reviewed the following documents:

- (a) The following s32 evaluation reports:
 - (i) Part 2: High Density and Medium Density Residential Zones
 - (ii) Part 2: Character Precincts and the Mount Victoria North Townscape Precinct
- (b) The following s42A reports from Stream 2, Part 3, Residential Zones:
 - (i) Part 1 – Overview and General Matters;
 - (ii) Part 2 – High Density Residential Zone;
 - (iii) Part 3 – Medium Density Residential Zone;
 - (iv) Part 4 – Character Precincts and Design Guides; and

- (v) Accompanying appendices:
 - (a) Planning for residential amenity report July 2021 – Boffa Miskell
 - (b) Appendix: Character Precincts – Residential Design Guide – WCC
 - (c) Wellington City Qualifying Matters capacity assessment – November 2022
 - (d) Proposed Amenity and design provisions cost benefit analysis June 2022 – The Property Group
 - (e) Mt Victoria North Precinct Urban Design Review April 2022 – Urban Perspectives Ltd
 - (f) Cost-benefit analysis for a National Policy Statement on Urban Development July 2020 – Price Waterhouse Cooper
 - (g) Submissions and further submissions on the Medium- and High-Density Residential Zone

5.0 STATUTORY CONTEXT

5.1 In relation to the topic of this hearing, two key questions for the hearing panel to resolve are whether the PDP has adequately responded to the new national direction and whether the proposed approach to spatial zoning and qualifying matters (in relation to Character Precincts) sufficiently give effect to the NPS-UD and the HSAA.

National Policy Statement on Urban Development 2022

5.2 Under the overarching objective of the NPSUD (Objective 1) to ensure “well-functioning urban environments”, Policy 1 characterises those well-functioning urban environments as those that [emphasis added]:

- (a) ***have or enable a variety of homes that:***
 - (i) ***meet the needs, in terms of type, price, and location, of different households; and***
 - (ii) ***enable Māori to express their cultural traditions and norms; and***

- (b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) ***have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and***
- (d) ***support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and***
- (e) ***support reductions in greenhouse gas emissions; and***
- (f) *are resilient to the likely current and future effects of climate change.*

5.3 Policy 3 sets out expectations with regards to the appropriate spatial zoning approach to be applied in the Intensification Streamlined Planning Process (ISPP). In giving effect to the Tier 1 directives of that policy, the Wellington Council District Plan must enable:

[...]

- (c) *building heights of at least 6 storeys within at least a walkable catchment of the following:*
 - (i) *existing and planned rapid transit stops*
 - (ii) *the edge of city centre zones*
 - (iii) *the edge of metropolitan centre zones; and*

[...]

5.4 The goal of the NPS-UD is to “transition to a low emissions future and a more sustainable, productive and inclusive economy”¹. In my opinion, the NPS-UD signals an urgent need for a move away from the urban form that characterises almost every city in the country: standalone houses, very often one or two-storeys, even near to the city centre with the most potential benefits of proximity and accessibility. When additional development capacity has been needed in the past, the pattern has been for additional greenfield sites

¹ *Planning for successful cities – our proposal, your views* Ministry for the Environment webpage, <https://d3s3jxwp3xui6on.cloudfront.net/past-consultation/8>

on the urban periphery to be developed, to similar densities. This creates inefficiencies in land use and also infrastructure provision.

5.5 The NPS-UD contains an expectation that the existing urban area, in particular areas within walkable distances from jobs, services and open spaces, will be developed to much greater densities than in the past. This has a range of related benefits, as set out in the evidence from Mr Cribbens, including greater productivity, reduced reliance on the private motor vehicle as the principal means of transport, improved health and wellbeing and helping to deliver on our international commitments to cut carbon emissions.

5.6 In addition, Objective 4 of the NPS-UD directs that “*New Zealand’s urban environments, including their amenity values, [will] develop and change over time in response to the diverse and changing needs of people, communities, and future generations*”.

5.7 Policy 6 then directs decision-makers to have particular regard to the following matters [emphasis added]:

(a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement

(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

(ii) are not, of themselves, an adverse effect

(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)

(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity

(e) the likely current and future effects of climate change.

5.8 In my view, the intent of the national direction is clear. There are values and characteristics that people appreciate about the existing urban environment, and there will be other values

and characteristics appreciated by others in the future in relation to a more intensely developed urban area. Decisions should favour outcomes that produce well-functioning urban environments as set out in Objective 1 and Policy 1 rather than narrowly focusing on the amenity of existing built form.

- 5.9 The directive nature of the NPS-UD, including the explicit statement in Objective 4 in relation to changing amenity, can be seen as an indication that the intent of the national instrument was to ensure that intensification of central urban areas would be the norm unless there were site specific, well-justified and highly significant matters which made that intensification inappropriate. This is then further supported by the amendments introduced to the RMA by the HSAA.

s77L - The Qualifying Matter Test

- 5.10 Schedules 3A and 3B of the RMA set out objectives, policies and rules to be included into the district plans of all tier 1 territorial authorities (and some tier 2 and 3 authorities), an amendment often referred to colloquially as the MDRS. The MDRS provides that a Council can make the building height/density standards less enabling of development in site-specific areas, only to the extent necessary to accommodate a qualifying matter..

- 5.11 The new s77I sets out what the qualifying matters can be:

- (a) *a matter of national importance that decision makers are required to recognise and provide for under section 6:*
- (b) *a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010:*
- (c) *a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River:*
- (d) *a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008:*
- (e) *a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure:*
- (f) *open space provided for public use, but only in relation to land that is open space:*

- (g) *the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order:*
- (h) *a matter necessary to implement, or to ensure consistency with, iwi participation legislation:*
- (i) *the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand:*
- (j) ***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.***

5.12 Since character is absent from the list of matters included as qualifying matters, it could only be introduced as a qualifying matter under the final item on the list, for miscellaneous other matters, subject to meeting the requirements of s77L.

5.13 Under s77L, the s32 evaluation report must:

- (a) *identify the **characteristic** that makes the level of development inappropriate in the area;*
- (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;***
- (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 or as provided for in Policy 3, while managing the specific characteristics.***

5.14 S77L is effectively a ‘test’ for a qualifying matter. There is clearly a substantial hurdle for potential “other” qualifying matters, under s77L, noting that the NPS-UD also directs that amenity standards will change over time and that changes in amenity are not an adverse

effect in themselves. It also directs that decisions relating to those changes in amenity should enable more greatly intensified urban areas that will, over time, exhibit the characteristics of a well-functioning urban environment, as listed in NPS-UD Policy 1.

- 5.15 In terms of the s77L test for a qualifying matter, section 77L(a) requires that the council identify the 'characteristic' that makes development 'inappropriate' in an area. In the 'Pre-1930 Character Area Review' the focus in the description of each area is on the 'coherence' of each area. Coherence is effectively the degree of consistency in the aesthetic appearance (i.e. visual amenity) of the buildings within those areas. Although it is not made explicit, one could deduce that coherence is the characteristic that Council believes makes development inappropriate in these areas, since the s32 report relies on this document to describe the areas over which to apply character as a qualifying matter. The Character Precincts Residential Design Guide then describes each area in terms of the common visual characteristics of buildings within them, that is, again based on their shared visual amenity.
- 5.16 In terms of s77L(b), I was not able to find an assessment of the appropriateness of limiting development in the identified Character Precincts in light of the national significance of urban development. This is expected to be a difficult case to make given the very strong direction of the NPS-UD and MDRS, and its objective of achieving well-functioning urban environments. It would be particularly difficult given the direction in those national instruments that amenity is expected to change over time.
- 5.17 As an aside, it is noted that, in the Scale and Significance Assessment in section 6.1 of the s32 report for Character Precinct, when looking at whether the topic addresses a resource management issue, lists the NPS-UD and RMA and associated matters, and relevant Part 2 matters, *in particular section 7(c)*. This would seem to be an acknowledgement that character is an issue primarily of amenity.
- 5.18 With regards to the three criteria in s77L(c), this is a requirement to identify the limitation on intensification on a site-by-site basis, and also requires that options are looked at in terms of how to achieve the greatest densities possible while protecting the characteristic identified as a qualifying matter. On the first matter, it is acknowledged that considerable effort has been taken to preserve the most contiguous areas of identified character from

the Operative District Plan. In the second matter, the closest thing that I have found to an assessment of alternatives in relation to providing for character as a qualifying matter is in the evaluation of proposed Objectives in Section 10 of the s32 report. The three options explored in that section are:

1. The proposed objective (MRZ-PREC01-O1) – Policy direction focussed on ensuring that development in the areas is consistent with existing character. No references to intensification.
2. The status quo – From the ODP – to recognise and enhance existing character. Unsurprisingly given that the ODP predates both the NPS-UD and MDRS, also no references to managing intensification.
3. No specific objective relating to character protection.

5.19 In my opinion, an appropriate alternatives assessment would have evaluated an option, as directed by s77L(c)(iii), of providing greater heights and densities (to align with the NPS-UD and MDRS) while also protecting aspects of the character.

5.20 On that basis, I conclude that Council has not shown that character passes the test under s77L as a qualifying matter, and furthermore consider it unlikely that it would do so.

5.21 The relief sought is therefore to remove the Character Precincts as a qualifying matter and to rezone those Character Precincts that fall within the walkable catchments to High-Density Residential Zone.

5.22 Further relief is sought in relation to specific zone provisions, as outlined below.

6. PROPOSED DISTRICT PLAN PROVISIONS

Character Areas

6.1 The Proposed District Plan has identified a number of areas across the Wellington urban area as Character Areas, noting that these are substantially reduced in size from those in the ODP.

6.3 The s32 evaluation report for character and supporting documents make a case for retaining sections of the existing character areas. The justification for their retention is that buildings, predominantly pre-1930s buildings, in those areas contribute to the distinctive

character of their neighbourhoods, and in order to preserve that distinctive character, limitations on the development capacity enabled by the NPS-UD and MDRS are necessary, and they must therefore be considered to be a qualifying matter (as discussed above).

6.4 The proposed controls in those areas are:

1. The demolition of any 1930s building is a restricted discretionary activity. Discretion is restricted to the contribution to neighbourhood character and the condition of the building.
2. Construction, alterations and additions are also a restricted discretionary activity. Matters of discretion include reference to the Character Design guides and Precinct-specific policy direction.
3. While MRZ-O1 and MRZ-O2 appear to enable intensification in the zone, for the Character Precincts, that intensification is then precluded by the policy direction of MRZ-PREC01-O1 and the supporting policies, P3 notwithstanding. Those restrictions are continued in the design guides and policy direction by the need to maintain the existing amenity and built form of the area, including references to 1 and 2-storey buildings for most of the areas, meaning that decision-makers may decide that additional height or bulk is incompatible with neighbourhood character.
4. Furthermore, the identified Character Precincts have been down-zoned from the densities mandated by the NPS-UD and MDRS, with maximum heights limited to 11 to 14m.

6.5 While the PDP seems to contemplate somewhat greater densities in these precincts, the requirement for a resource consent is likely to significantly reduce development in these precincts due to the cost of consenting (in both time and money) and perceived uncertainty of outcome. The requirement for resource consent, the narrow matters of discretion and the low density zoning make redevelopment in the area considerably more onerous and prevent the increase in development capacity set out and anticipated in the NPS-UD.

- 6.6 In support of the restrictions on development in the Character Precincts, the s32 evaluation report and supporting technical documents describe the built form of the character precincts in terms of their aesthetic amenity and shared characteristics.
- 6.7 In addition, allowing development in those areas will not result in a net loss of amenity, but only a change in amenity. Amenity 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*”. I consider that this definition is intended to be interpreted broadly and includes visual amenity, such as architectural design, landscaping and building heights, as well as non-visual amenity, such as a pleasant noise environment, clean air and accessibility; the ability to easily access key destinations and services such as education, employment, commercial and community activities. I consider that the WCC experts have not sufficiently considered the benefits of new aspects of amenity; ones that flow from having a well-functioning urban environment.
- 6.8 As highlighted in the evidence of Mr Cribbens, a dwelling located in a highly accessible location has access to greater opportunities than one located in a more peripheral area and as such has a great level of amenity in terms of accessibility. Greater density in the most accessible location in the region (i.e. near the city centre) enables more people to benefit from a well-functioning urban environment from the increased accessibility to jobs, shopping and other destinations – what PwC refer to as the benefits of agglomeration (and is exactly how that document expects the benefits of greater density will be realised). Higher densities are correlated with higher rates of walking, and greater density can mean greater levels of support for nearby businesses and for public transport, in a way that will make provision of services more cost effective.
- 6.9 In my opinion, a broader interpretation and assessment which takes into account all forms of amenity would result in a different outcome; one where the amenity values associated with a well-functioning urban environment are properly accounted for. In my opinion, and acknowledging the evidence presented on this topic by Mr Cribbens, a well-functioning urban environment would be better achieved by up-zoning the Character Precincts (where they are within the walkable catchments) and allowing more people, and the city itself, to benefit from the accessibility that such a location provides.

6.10 The s32 evaluation report states that the limitations on development capacity expected as a result of these provisions is a reduction of 1.9% of the potential capacity that would otherwise be enabled by the MDRS and NPS-UD requirements. There are a number of things to note in relation to that figure:

1. The total area relevant to the figure of 1.9% includes the city centre zone itself, which is already developed to relatively high densities and which may be subject to different market forces, capital requirements and developer interests than areas of the existing residential zones. I believe a more appropriate metric to look at would have been the extent to which the Character Precincts reduced the capacity of the walkable catchment around the City Centre. If that were so, the area where development capacity was limited would have been considerably higher.
2. The area also includes Kilbirnie, which is separated from the City Centre by Mount Victoria and, as a Metropolitan Zone, has its own walkable catchment (which does not include character precincts). I believe this area should also be removed from the assessment of the extent to which character controls limit the potential of development within the walkable catchments.
3. The 1.9% reduction is the largest reduction in development capacity by any of the qualifying matters apart from natural hazards. It is a larger area than the limitations for the Air Noise Overlay, Heritage or Designations, items which are explicitly stated as qualifying matters in section 77L, and all of which are of national significance.
4. The s42a report has recommended an increase in the proposed Character Precincts. Whereas previously the area was reduced by 72% from the Character Precincts in the ODP, the recommendation would limit that reduction to 56% compared to the ODP. There is no breakdown to show the revised percentage of the areas within the walkable catchments set out in the HSAA and NPS-UD.
5. The 1.9% is also an overly simplistic quantitative measure and treats all capacity/land as equal. As Mr Cribbens explains, areas of the city that are more accessible to jobs, transport nodes and other destinations are more desirable. All

land is not equal and areas in different parts of the city do not provide the same opportunities. The 1.9% is concentrated in the most accessible and arguably the highest amenity area of the city, therefore there is an opportunity cost of underutilizing it and expecting development to be transferred to less accessible areas is high.

6. The character precincts identified are centred around older suburbs, and are usually in the centre of those suburbs. The effect of restricting densities there will limit the potential agglomeration benefits that would accrue were the entire neighbourhood allowed to develop a higher residential population. As set out in the Cost-Benefit Analysis by Price Waterhouse Cooper on the NPS-UD, most of the anticipated benefit of intensification that would accrue to Wellington City is through agglomeration².

Heritage vs Character

- 6.11 It is relevant to note that the character assessments included consideration of whether buildings in those areas should be included in the heritage schedule of the plan, rather than the character precincts.
- 6.12 It is important that buildings nominated for inclusion on a heritage schedule to be assessed on that basis, for example, in accordance with the criteria set out by Heritage NZ Pouhere Taonga. For the buildings in the proposed Character Precincts that are suggested for inclusion in the heritage schedule, those items should be assessed by a qualified heritage professional according to robust heritage criteria, as befitting their status as a s6 matter, rather than character, which relates more to s7(c).
- 6.14 For the remaining buildings, it is important to note that there are already demolition controls on pre-1900s buildings, under the Heritage NZ Pouhere Taonga Act 2014. Any demolition to a building constructed before 1900 requires an archaeological authority from Heritage NZ.

² [NPS-UD-CBA-final.pdf \(environment.govt.nz\)](#), p49

- 6.15 The level of protection afforded to the Character Precinct precincts, with demolition controls, height restrictions, consent requirements, I consider more appropriate for plan provisions relating to heritage items and heritage precincts. There has now been an opportunity to assess all buildings in the Character Precincts, including recommendations for inclusion in the heritage listings. Where those nominations are supported by assessments by heritage professionals, I would support their inclusion as heritage items.
- 6.16 The content of the assessments for the remaining buildings have a strong focus on describing and preserving existing amenity. Given the strong national direction to increase density and not consider a change in amenity as an adverse effect, the controls on development in relation to the areas identified are considered inappropriately restrictive.
- 6.16 I therefore seek the following relief:
- (1) Rezone Character Precincts to other appropriate zones, as set out in the NPS-UD. Within a walkable catchment of the Wellington City Centre zone, the appropriate zone is HRZ.
 - (2) Remove demolition controls.
 - (3) Retain the notified extent of Character Precincts as overlays and remove the references to height in policy direction and design guides.

Medium- and High-density residential zone provisions generally

- 6.17 Beyond the issue of the Character Precincts are the Medium- and High-Density Residential Zones themselves. A number of amendments are also required to the provisions of the Medium- and High-Density Residential Zones to better align them with the NPS-UD and MDRS requirements.
- 6.18 Despite the direction in Policy 3 of the NPS-UD, the objectives of the proposed High-Density Residential Zone do not include reference to the need to enable building heights of at least six storeys, apart from mentioning that developments “may be of a greater density and scale than the Medium Density Residential Zone” in HRZ-O2.
- 6.19 It is important that the development community and the community in general, receive a clear signal that six storeys are an appropriate level of development in the zone. This is

particularly important as the activity status in the plan for new buildings above three storeys is restricted discretionary. Certainty of outcome will lower the perceived 'risk' of applying for consent in the zone, and including a policy reference to six-storey development will provide reassurance to developers that six-storey development is within the anticipated level of development for the zone. While HRZ-P2 acknowledges the potential for six storeyed development, at least one of the objectives should also highlight that buildings to that level of density are anticipated in the zone.

- 6.20 I therefore agree with the reporting officer's recommendation in the s42a report to amend HRZ-O1 to refer to "*the neighbourhood's planned urban character, **of at least 6 storey buildings***".
- 6.21 In addition, in order for residents in these neighbourhoods to gain the maximum benefits of density and the walkable distances envisioned by the NPS-UD and MDRS, as set out in the evidence by Mr Cribbens, some small-scale commercial activities may be appropriate in higher-density neighbourhoods to provide additional benefits of accessibility. This would enable residents to meet their day-to-day needs within the neighbourhood, and also to give them more destinations to walk to, thereby increasing accessibility for the residents.
- 6.22 In the s42A report for the High Density Residential Zone, the reporting officer raised the possibility of accepting relief for some additional level for commercial activities in the zone, suggesting that dairies and cafes up to 100m², and only open between 6am and 9am, would be appropriate.
- 6.23 Based on the evidence of Mr Cribbens and the direction set out in the NPS-UD and MDRS, I consider that the proposed new rule from submitter Phillipa O'Connor could be significantly broader, both in hours of operation and in scope of potential activities. I support that submission, and would add that other small-scale commercial activities would also be appropriate for the zone, though it is outside my area of expertise to recommend an appropriate floor area for what constitutes "small-scale".
- 6.24 In addition, as the activity is within a residential zone, and to be consistent with the reporting officer's recommended amendment to HRZ-P14, these activities would only be

appropriate in this context if they were at ground level and integrated into a residential development.

6.25 I therefore seek the following relief:

[New rule]

HRZ-RXX – Small-scale commercial activities, including dairies and cafes

1. *Activity status: Restricted Discretionary*

Where:

- i. The maximum GFA is XXm²;*
- ii. More than 75% of the GFA of the building is used for residential purposes;*
- iii. Hours of operation are between 0600 and 2100; and*
- iv. The commercial activity is at ground level.*

Matters of discretion are:

- 1. The extent to which the intensity and scale of the activity is integrated with and complements nearby residential properties and the surrounding neighbourhood.*

7. Conclusion

7.1 In my opinion, the relief sought in this evidence, in paragraphs 5.21, 6.16, 6.20 and 6.25 will better align the PDP with the NPS-UD and the purpose and principles of the RMA.

7.2 The potential benefits provided by the suggested approach include:

- (a) providing the appropriate zoning for all areas within a walkable catchment of Wellington City Centre, as required by the NPS-UD and MDRS and altering the provisions of the special character areas to enable the land to be developed to greater densities (having large areas excluding greater densities within the walkable catchments will be a limitation both to the operation of competitive markets and to the agglomeration benefits anticipated by the NPS-UD);
- (b) providing for greater housing choice by more clearly providing for a range of typologies, incorporating the NPS-UD direction for at least six storeys;

- (c) providing greater levels of density-compatible neighbourhood amenity and walkability by providing a more appropriate consent pathway for commercial activities that are compatible with a high-density residential neighbourhood;
- (d) providing clear signals to the development community that define what is appropriate in higher-density zones and ensuring that areas that provide the greatest benefit from intensification to future residents and the wider city are prioritised.

Mike Scott

16 March 2023