



Speaking Notes of Matt Heale for Hearing Stream 4 – 27/06/23

I have a couple of handouts that largely respond to the rebuttal evidence provided last week which I will hand out now and go through as I present.

- First one is latest track changes responding to rebuttal
- Secondly centres audit that shows changes in centre areas resulting from centre zone expansion reductions

Emphasise that changes are about improving centres provisions to ensure that urban environments are:

- well functioning;
- Achieve national and regional consistency;
- Focus issues and effects in an RMA Context especially given that all buildings need consent and a wide range of effects can be considered without needing detailed standards which might not fit the context
- and there is greater certainty of outcome.

In my principal evidence I emphasise the need to:

- Increase the type and scale of centres to achieve regional and national consistency
- The need for a TCZ in the hierarchy at Newtown, Tawa, and Miramar
- Expanding the Spatial Extent of the Centre Zones
- ensure that the scale of integrated retail activities is relative to the scale of the centre in the Centres hierarchy;
- the City Outcomes Contribution provisions to ensure that the provisions are workable;

- make changes to ensure the appropriate scale of high and medium density development are applied across centres;
- change standards to ensure that there is a focus on off-site rather than on-site effects; and

I will largely take this evidence as read but before I take questions I would like to respond to a number of issues that have arisen in rebuttal evidence

City Outcomes Contributions (refer s13 of principal evidence)

With regards to Dr Zamani's evidence, I find some comments to be confusing as on one hand he agrees that COC's should be applied to all buildings regardless of height (para 24) but agrees that height is relevant to matters required under COC policy (para 34). I believe the trigger should not be height noting that pretty much all buildings will require consent anyway as per Dr Zamani's confirmation at para 31.

With regards to Ms Stevens evidence, I also find it to be confusing. At para 127 she notes that the effects of COC's should be managed beyond the site including such matters as services, capturing pressures on existing infrastructure provision and public amenity and open space and the District Plan is the appropriate mechanism for managing those issues. In my view these matters are better addressed via a clear development contribution policy not via a control in a district plan. A robust DC policy will also go a long way to addressing a number of infrastructure capacity issues raised by the Council. It is also questionable whether the COC is within the scope of RMA – Possibly justified in terms of social wellbeing, natural hazards, and climate change (but not effects more mitigation which is better dealt with by ensuring maximum intensification around centres and transport networks)

Ms Stevens also confirms that a user guide will be needed to interpret the COC (para 127 and 156) but does not agree that the COC is unworkable. If you need a guide to interpret the plan or even worse a guideline in a plan, in my view it is unworkable and potentially raises natural justice issues (who will have an opportunity to have input into this guideline). Furthermore, Ms Stevens also notes at paragraph 173 that policy CCZ-P11 should not say "encourage" because this suggests a non-regulatory approach for COC. I contend that if the COC is unworkable then a non-regulatory approach is the right

policy setting especially when it is best delivered by methods outside the plan. I have recommended that the principles of the COC should be encouraged where consent is required, which is the case in most situations, because this is the best approach for COC given the numerous issues identified with it.

At para 175 Ms Stevens also states that a non-complying activity status for not meeting COC requirements is not appropriate as the NPSUD should maximise development opportunities in the CCZ (NPSUD Policy 3(a)) via plan enablement (permitted to RDA) but at para 160 states that notification should be compulsory where COC requirements are not met as these matters relate to public good. How is compulsory notification maximising development opportunities in the CCZ and other centres? Especially when notification is projected to mean an 18 month process with significant time in pre application stage (2 years). Note that the only other compulsory notification statements relate to activities not expected in the CCZ (eg) Industrial activities – CCZ-R13(2), poorly located parking CCZ-R14(2), yard based retail - CCZ-R15 (1).

Ms Stevens also notes that the COC will help reduce GHG emissions and address climate change issues. In my view getting the most development you can close to centres and transport links will have a more significant positive benefit.

I disagree with the changes sought and seek the relief in my primary evidence.

TCZ (refer s10 of principal evidence and appendix 3)

Both Dr Lees (paras 7-11) and Ms Hayes indicate that a TCZ may be a good strategy but it adds unnecessary complexity given the similarity to the LCZ and is not “required” by the Planning Standards. I disagree. The intent of the National Planning Standards is to achieve consistency across District and Regional Plans, and the zone framework is a key outcome of this. To a large degree, the Council recognises the importance of a centres hierarchy, as demonstrated by the inclusion in the strategic direction. But reference to “simplicity” and not being required to include a TCZ fails to align with the intent of the national planning standards, and the role of a robust centres hierarchy plays in planning for growth and important matters such as infrastructure and public transport.

Following this line of logic regarding “simplicity”, the only difference between the LCZ and the MCZ and NCZ is height too. This is not the case should KO’s submissions be accepted. These propose a different

density outcome for the various centres as outlined in my principle evidence at para 15.3 – Table- 2.

Town Centre – High Density with HRZ within a walkable catchment

Local Centre – Medium to High – With this mix within a walkable catchment

NCZ – Medium.

These are the policy settings recommended for all development (residential or commercial) within these centres also – So when something needs a consent it will be tested against policy settings that are commensurate with the level of community and commercial services within these centres and the centres hierarchy itself (see TCZ-O1 and TCZ-P1) and introduction that outlines the scale of development enabled is greater than the LCZ with high density within and around TCZ (note – Could bring more from introduction into Ob's and pol's).

As you can see from the **Centres Audit Table attached**, LCZ's are quite different than proposed TCZ's given their higher level of community and commercial services and their Zoned land area being 2-6ha now and 5-6ha with recommended centre expansion. The Journey to Work data also sets them apart as they typically have regional catchments given their regional attractors such as the Hospital, Airport and Film industry.

Furthermore, KO is recommending the need for different integrated retail thresholds for different order centres to reflect the existing and planned scale of these centres and their catchments. This will ensure that these centres are not fully retail dominated so that they can continue to play their role in providing wider residential, commercial and community services as anticipated by the NPS-UD.

Ms Hayes indicates at para 40 that the National Planning Standards does not “require “ a TCZ. Direction 3 of the District Plan Structure Standard indicates that:

Unless otherwise specified, chapters and sections that are grey in table 4 **must** be included **if relevant to the** district plan....

Table 4 includes TCZ between LCZ and MCZ

My primary evidence shows that a TCZ is relevant to Wellington City and should be provided as the Planning Standards anticipate that anyone picking up a plan in NZ or the Wellington region has a clear understanding about the outcomes for centres that meet the function of serving surrounding suburbs rather than just the surrounding residential areas. It is clear that Miramar, Newtown, and Tawa are operating at this level when compared to LCZ's and are of a scale that is capable of absorbing a greater level of density.

There is also a need for regional consistency – WCC is leading the way in this space as not all other Councils are not going through a full plan review and implementing the NPSUD/Planning Standards fully by re-classifying their centres but rather focusing on Residential intensification. The Councils that have not implemented the national direction will have to do so shortly (Planning Standards by 2026 for Kāpiti and 2024 for other councils) and WCC will no doubt be the model so it is important to get this right and include TCZ's where relevant. This lack of co-ordination/timing has led to some anomalies, for example:

- Hutt City Centre and Upper Hutt City Centre are identified as City Centres but operate at MCZ's with unlimited height
- Naenae and Waterloo are identified as Suburban Mixed Use Activity Area but are a TCZ equivalent and have a 22m height limit
- Silverstream is a TCZ but acts as a LCZ and has a 26m height limit; and
- A number of centres in Kāpiti are TCZ but act as LCZ with 21m height limits
- There are a wide range of commercial thresholds across plans

Kāinga Ora submissions to the District Plans and RPS seek to address these anomalies in line with our approach to WCC as the cities and centres act as an integrated whole in the region. People travel from all over the region to work in the CCZ, Miramar and Newton, there are edge issues such as the HRZ catchment at Linden/Kenepuru that we discussed in HS2, people in

Linden are likely to travel to Porirua for higher level services rather than Tawa and as such the centres hierarchy should be consistent and Include a TCZ.

Note - Centres act in a nested hierarchy across the region and require an adequate geographic spread by typology so they do not predate each other which is how they exist today. The CCZ has a regional focus, MCZ's sub-regional, TCZ's adjoining suburbs, LCZ's residential area, and NCZ's neighbourhood. Not acknowledging TCZ's consistently across the region to enable the right density of both residential and commercial development will break this hierarchy and set a bad precedent for other Councils yet to fully adopt the Planning Standards.

Integrated Retail Thresholds (refer s12 of principal evidence)

Ms Hayes notes that it is unlikely that NCZ or LCZ's will see a proliferation of integrated retail activities given the small and fragmented land holdings and that she is open to reductions in size limits informed by further analysis on average centre size. I have provided evidence showing the limited zoned area of Centres compared to GFA limits and agree with Ms Hayes but I feel that the limits for LCZ's and NCZ's are fanciful and should be reduced subject to further detailed economic and urban design analysis. This will also help to provide much needed differentiation between not only NCZ, LCZ's but also the necessary TCZ and ensure that there is adequate provision for other commensurate levels of community and commercial services and residential development.

Centre Expansion (refer s11 of principal evidence)

In her rebuttal evidence Ms Hayes notes that centre expansion will in effect water down intensification (para 41) and that centre expansion is not necessary to cater for anticipated growth as outlined in the HBA and a 2009 PC S32 analysis (predating the NPSUD) (Para 52). Ms Hayes does concede that there may be instances where centre expansion for some community facilities may be appropriate.

I agree with Mr Cullen that centre expansion will not water down intensification but will instead provide necessary room for community and commercial services and residential development needed to cater for growth and enable a variety of sites suitable for different sectors in terms of location and site size and support the competitive land market (NPS-UD Policy 1). Providing centre expansion close to Wellington residents in centres will also provide good accessibility by way of active and public transport, support reductions in greenhouse gas and help improve resilience to future effects of climate change.

Anticipated vs Planned Development (refer s14 of principle evidence)

At para 26 Ms Stevens recommends that objective CCZ-O5 should be reframed to read:

Development in the CCZ positively contributes to creating a high quality, well-functioning urban environment, including:

....4. Contributing to general amenity of neighbouring residential areas while achieving the “planned” (rather than anticipated) urban form of the CCZ as “Anticipated” has caselaw implications of being the permitted baseline and “planned” is more appropriate as it speaks to the density and type of development provided for in the CCZ and does not pre-determine any outcomes. In my view the word planned is acceptable if not anticipated although NPS-UD talks about having regard to both the planned urban built form anticipated by RMA documents that may involve significant change and detract from amenity values and be disregarded. If more clarity is sought perhaps “plan enabled” could be used as so CCZ provisions could be amended:

Development in the CCZ positively contributes to creating a high quality, well-functioning urban environment, including:

....4. Contributing to general amenity of neighbouring residential areas while achieving the plan enabled urban form of the CCZ **Handout reference**

This will help ensure clear direction for future users of the plan and improve alignment with NPS-UD Policy 3 (plans enable) and Policy 6

I agree with Ms Stevens that there should be consistency with other polices being CCZ-P12, LCZ-P9, NCZ-P9, and MCZ-P9 and recommend that “Plan enabled” should effectively also be reflected there too as so:

CCZ-P12 Managing adverse effects

Recognise the evolving, higher density development context ~~enabled~~ in the City Centre Zone, while managing any associated adverse effects beyond those anticipated enabled within the zone including:

1. The impacts of building dominance and the height and scale relationship;
2. Building mass effects, including the amount of light and outlook around buildings; and
3. The impacts on sunlight access to identified public space; and
4. The impacts of related construction activity on the transport network and pedestrian linkages

Consideration should also be given to whether changes should also be made to relevant MRZ and HRZ policies. The addition of a definition of “Plan enabled” reflecting the NPS-UD should be added to provide clarity of outcome at the time the plan was drafted, especially given this will not be open to interpretation via caselaw and is more certain than “planned”. The definition would be as follows:

Plan enabled means land that is zoned for housing or business use and the activities that are permitted, controlled, or restricted discretionary activity on that land.

Thankyou – Any questions?