

**Under** the Resource Management Act 1991

**In the matter of** hearings of submissions and further submissions on the  
Proposed Wellington City District Plan

**By** **Onslow Residents Community Association**

Submitter

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**STATEMENT OF EVIDENCE OF STUART NIVEN**

**12 JUNE 2023**

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## **INTRODUCTION**

1. My full name is Stuart Niven.

## **Qualifications and Experience**

2. I refer to my evidence submitted on behalf of **Wellington's Character Charitable Trust Inc** which contains a full account of my urban design qualifications and experience. A copy of my CV is attached to that statement.

## **Scope of Evidence**

3. I have been engaged by Lawrence Collingbourne, a Khandallah resident and President of the Onslow Resident's Community Association (ORCA). Mr Collingbourne has lodged a further submission on behalf of ORCA on the Proposed District Plan, opposing the designation of Khandallah as a "Local Centre" and recommending its re-assignment as a "Neighbourhood Centre". The submission also seeks a 11 metre height limit to apply to residential districts surrounding the Khandallah Centre.....
4. My evidence addresses the linked issues of: the appropriateness of having a City Outcomes Contribution mechanism for new buildings above certain height thresholds for the Khandallah Centre; and the appropriateness of Khandallah being designated a Local Centre (as opposed to a Neighbourhood Centre) in the PDP, where the recommended 12 metre height limit for Neighbourhood Centres is better scaled to Khandallah's urban form and, within that 4 storey scale, will still be capable (through the application of skilled design) of achieving a significant increase in density within the Centre Zone.

## **Code of Conduct**

5. I have read the Code of Conduct for expert witnesses in the Environment Court Practice Note 2023 and I have complied with it when preparing this evidence. My 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 that I express.

## **MATERIAL REVIEWED**

6. In preparing this statement of evidence I have reviewed the following materials:

- a. The Local and Neighbourhood Centre Zone chapters and the High Density Residential Zone chapter of the proposed district plan.
- b. Other specific material referenced in this statement: A chapter entitled "*The Rise and Fall of Incentive Zoning*" in "*City – Rediscovering the Centre*", author: William H Whyte, University of Pennsylvania Press, 2001

## CONTEXT

- 7. The notified plan contains a series of objectives and policies for the local and neighbourhood centre zones. Those most relevant to my evidence are:
  - a. LCZ-O1, which is an objective that "the Local Centre Zone meets the needs of communities, businesses and residents in the surrounding residential catchment and neighbourhood suburbs in a manner that supports the City's compact urban growth objectives and its role and function in the City's hierarchy of centres".
  - b. NCZ-O1, which is an objective that states "the Neighbourhood Centre Zone meets the needs of communities, businesses and residents in the immediate residential neighbourhood in a manner that supports the City's compact urban growth objectives and its role and function in the City's hierarchy of centres.
  - c. NCZ-03, which is an objective that states " medium density, mixed use development is achieved that positively contributes to creating a good quality, well-functioning urban environment that reflects the changing urban form and amenity values of the Neighbourhood Centres and their surrounding residential areas."
  - d. NCZ-P10 and LCZ-P10, a policy to require over height development to deliver "City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide G107".
- 8. The matters in policy NCZ-P10 (and LCZ-P10) are also within the scope of the restricted discretion for a building that exceeds the maximum height standard in the relevant zone. NCZ-P10 and LCZ-P10 refer to the City Outcomes Contribution, and anticipates that over height development should deliver certain "public goods", which in summary are:
  - a. public space;

- b. reduced carbon emissions and increased climate change resilience;
  - c. increased lifespan and resilience of development;
  - d. assisted housing for at least 25 years; and
  - e. ease of access for people of all ages and mobility.
9. The policy refers to a scoring system in the design guide. The scoring system requires a certain number of points, depending on how much the development exceeds or is below height limits. Points are earned based on how the development provides what I refer to as the “public goods”.
10. In summary, the broad effect of the provisions in the notified plan for the various centre zones is that:
- a. New buildings can be constructed up to certain height limits as a permitted activity.
  - b. Resource consent is required to construct a new building above the height limits, with those height limits dependent on which Centre type you are in. On a resource consent application, the consent authority would consider the extent and effect of the height exceedance, as well as streetscape, visual amenity, dominance, privacy and shading effects associated with the building height. The consent authority would also consider the extent to which taller buildings contribute to residential accommodation.
  - c. Separately, where the new building requires a resource consent (because it is over height), the development will be scored against the City Outcomes Contributions policy and guidelines. That score then forms part of the consent authority's decision making.
11. I propose to provide my opinion on the following issues:
- a. The City Outcomes Contribution scoring mechanism, including whether it is an appropriate way of regulating over height buildings in the neighbourhood centre zone.
  - b. The appropriateness of Khandallah being assigned as a “Local Centre” as opposed to a “Neighbourhood Centre” in the PDP.

## CITY OUTCOMES CONTRIBUTION

12. As noted above, I refer to my submission on behalf of **Wellington's Character Charitable Trust Inc.** This contains a full account of my evidence regarding the inadvisability of introducing the proposed incentive zoning measure referred to as the "City Outcomes Contribution" - a measure intended to deliver a range of specified "public goods" in exchange for extra development entitlements over a specified height limit. While my evidence for the WCCT relates specifically to the City Centre Zone, the main thrust of my evidence emphasises the inherent and pervasive difficulties involved in applying an incentive zoning measure of this kind to over-height buildings across all Centre Zones of the proposed District Plan. The same concerns equally apply to the proposal to introduce a city outcomes contribution approach in the high density residential zones.
13. Summarising my conclusion regarding this proposed incentive zoning measure, I do not support the City Outcome Contribution mechanism that is in the proposed district plan for all zones in which it is proposed (i.e. city centre, neighbourhood centre, local centre, metropolitan centre, and high density residential zones).

## THE KHANDALLAH CENTRE

14. What appears to be driving the Council's determination of appropriate height limits across the city is, in large part, the Proposed Plan's commitment to the provision of increased residential densities – particularly where these relate to the City's various urban centres where the City's services and community facilities congregate and public transport is readily available.
15. As an urban designer, "density" and how you achieve it - in design and massing terms - means much more than just height. While it is certainly correct that high residential buildings have been one of the principal, and easiest, development means of achieving increased residential densities across the city – building height, in and of itself, is not the only development typology capable of delivering significantly increased residential occupation. While the size of a development site is an important factor in achieving increased residential densities so too is the application of significant design skill, including the ability to innovate through physical planning and the investigation of varied building forms. Where these factors are present, a 4 storey development form is certainly capable of delivering significantly increased densities of residential occupation. To understand that this is so, all one has to do is look at a city like Barcelona - one of Europe's more striking

examples of contained, central city residential densities - with that density all largely contained within a 5-to-6 storey, city block scale. My point here is that to deliver density in urban design terms is not just a matter of increasing building heights. It also encompasses the encouragement, and application, of skilful design and built form innovation where this delivers significantly increased densities within a 4-to-5 storey scale.

16. When it comes to a Centre like the Khandallah village – typified as it is (in building scale terms) by a generally dispersed (as opposed to a highly concentrated) pattern of development with a prevalence of 1-to-2 storey buildings - a height limit of 12 metres (which represents a 3-to-4 storey scale) would be a much sounder urban design approach to delivering a “*good quality, well-functioning urban environment*” that positively contributes to Khandallah’s characteristic sense of place, quality and the amenity of its surroundings.
17. Consequently, for reasons of appropriate scale, without unreasonably compromising an ability for skilful design to deliver a real increase in Centre density, I strongly recommend that Khandallah be given a 12 metre height limit rather than the 22 metre (6 storey) scale currently envisaged by the PDP, and that the Khandallah village centre should be reclassified as a neighbourhood centre zone.

**STUART NIVEN**  
12 JUNE 2023