

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT LOWER HUTT**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
TE AWA KAIRANGI**

**IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of the hearing of submissions on Plan Change 56 to the
City of Lower Hutt District Plan**

**HEARING TOPIC: Plan Change 56: Enabling Intensification in Residential and
Commercial Areas**

**STATEMENT OF PRIMARY EVIDENCE OF NICHOLAS JAMES RAE
ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES**

(URBAN DESIGN)

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1. INTRODUCTION

- 1.1 My full name is Nicholas James Rae. I am an Urban Designer and Landscape Architect. I am the Director of Transurban Limited, consultants on urban development. I hold a Master of Urban Design from the University of Sydney and a Bachelor of Landscape Architecture (Honours) degree from Lincoln University. I have approximately 23 years experience in this field in New Zealand, the United Kingdom, France, Portugal, Saudi Arabia, and Australia.
- 1.2 I regularly provide advice on urban design and landscape matters, followed by urban design and visual assessments for development proposals including a range of residential, retirement villages, subdivisions for large greenfield sites, commercial office and retail spaces, and industrial developments. I have also provided advice on a number of plan changes relating to urban development. I have experience with the detailed design, consenting and implementation of development projects.
- 1.3 I have been involved in a number of plan review and plan change processes including assisting with drafting Plan Changes and assessing the merits of such. I provide a list of examples in **Attachment A**.
- 1.4 I am also involved with providing advice and design direction for three recent retirement villages, apartment building proposals, terrace housing proposals, affordable housing solutions, significant landscape solutions including significant lengths of coastal, wetland and stream rehabilitation as part of urban development integrating access and providing high amenity open space.
- 1.5 I am a member of the Urban Design Forum, Resource Management Law Association and the New Zealand Institute of Landscape Architects.

Involvement with Kāinga Ora Submission

- 1.6 I have been retained by Kāinga Ora – Homes and Communities (**Kāinga Ora**) to provide urban design advice and supporting evidence relating to the plan changes notified by the five district Councils in Wellington dealing with the application of the Medium Density Residential Standards (**MDRS**) and the National Policy Statement on

Urban Development (**NPS-UD**). This is to ensure a consistent approach is applied where possible to the Wellington Region, understanding the relationships between the different districts.

1.7 I was instructed in July 2022 and undertook site investigations in August to assist with the preparation of the submissions, particularly on the matters of walkable catchments, role and scale of centres, and zone opportunities provision testing. I was assisted by Fabio Namiki (registered architect) of my office in our work. I had no involvement with the preparations of further submissions.

1.8 I visited the Wellington region over a two day period on 11 and 12 August 2022 where I visited locations on the public road network and reserves.

1.9 I also undertook a site visit on 16 January 2023 where we focused on the centres in the Wellington region to assist with the consideration on the role and form of these.

Evidence of other experts

1.10 I rely on the evidence of Mr Singh, who sets out why Kāinga Ora is involved in this plan review process. Importantly from my perspective, the Kāinga Ora focus is not on individual land holdings owned by Kāinga Ora, but rather on urban development outcomes more generally across the Hutt Valley, as well as providing for a consistent planning policy across the Wellington Region and Aotearoa that enables well-functioning urban environments and the opportunity for growth and intensification of our cities with ease and confidence.

1.11 Where appropriate and relevant, my evidence will reference and rely on the evidence of Ms Karen Williams.

1.12 I have reviewed and reference relevant parts of the section 42A Report.

Code of Conduct

1.13 Although this is a Council hearing, I have read the Environment Court's Code of Conduct for Expert Witnesses within Practice Note 2023, and I agree to comply with it. My qualifications as an expert are set out

above. I confirm that the issues addressed in this statement of evidence are 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.

Scope of Evidence

1.14 My evidence will address and is organised by the following matters:

- (a) Statutory context;
- (b) Walkable Catchment methodology;
- (c) Application of zones;
- (d) Planned Urban Built Form;
- (e) Design Standards;
- (f) Commercial at Ground Floor in HDRAA;
- (g) Design Guidelines.
- (h) Conclusion

2. STATUTORY CONTEXT

2.1 I have reviewed and rely on the statutory context set out in Ms Williams evidence.

2.2 I note that the scope of Plan Change 56 has a greater limitation than other councils, and I understand that a full Plan review is proposed in 2024 and this would enable revisiting the centre roles and any subsequent changes to surrounding zoning. This would address Kainga Ora's submission seeking a comprehensive review.¹

2.3 As part of that Plan review, I recommended further consideration of the role and function of the centres, employment areas and transport hubs, along with revisiting the residential opportunities within the whole Petone and Hutt City areas as follows;

¹ Kainga Ora submission 4.f)i.

- (a) the Jackson Street corridor including the employment area around Waione Street through to the Ava Street Station;
- (b) the Waterloo Road corridor from Waterloo Station, through Hutt City to Railway Ave and the Western Hutt Station; and
- (c) Role of the Cuba Street / Victoria Street connection between these areas.

2.4 Kainga Ora has considered the centres in the Wellington Region and seeks to apply a consistent hierarchy for centre zones. For the purpose of applying walkable catchments and zone considerations, I have assumed the Hutt City Centre zone and the Petone Commercial zones are Metropolitan centres, being more consistent with the National Planning Standard description being a focal point for sub-regional urban catchments when considering Wellington City Centre is the regional City Centre.²

Objectives and Policies

2.5 Ms Williams recommends an adjustment to Objective 4G 2.4 in the HDRAA chapter. I consider these changes provide the expectation that neighbourhoods will change and will affect amenity values through a more intensive urban built form than the medium-density residential zone. The changes also appropriately direct where greater intensification should be located. I consider this to be an improved outcome that better addresses the high-density outcome sought in this zone.

2.6 Ms Williams recommends that key design outcomes be better articulated within the residential chapter policies, particularly relating to four or more residential units on a site.³ The changes are listed in Appendix A, 4F 3.2E and 4G 3.10.

2.7 These policies are very similar to the wording proposed by Ms Williams for similar outcomes proposed in the Porirua District Plan. I assisted in their preparation and consider them appropriate for use in the Hutt City

² This classification is different to the s32A report Appendix 4 which considers the Hutt City Centre should be a City Centre zone.

³ Statement of Evidence of Ms Williams, Para. 7.5

District Plan. They are not location specific outcomes, but they address good urban design issues and enable responses according to the context of a site.

- 2.8 I consider that sufficiently detailed policies are required to guide outcomes and enable suitable assessment of proposals. The reporting planner has recommended additional explanation in 4G 1 introduction of the HDRAA which supports this approach, for example, specifically stating:

For developments requiring resource consent, these will be assessed against the policy framework set out by the relevant residential and overlay chapters. The resource consent process enables the design and layout of development to be assessed, recognising that quality design is increasingly important as the scale and density of development increases. Council provides design guidance for residential developments through design guides that sit outside the plan.

- 2.9 I agree with this statement, however, I consider the changes proposed above by Ms Williams add to the detail contained in the policy framework to enable appropriate assessment.
- 2.10 I consider Ms Williams' changes enable assessment of any building(s) on a site with more than three residential units, regardless of the proposed height, whereas the Section 42A version addresses buildings of more than 3 and up to 6 storeys. Ms Williams' version better aligns with the above introduction statement.
- 2.11 While Ms Williams' changes continue to address privacy, sunlight access and appearance (as per the Section 42A), they enhance the policy by addressing a wider subject matter with a particular focus on how the building will contribute to the public realm for example, rather than just locating the building close to the street. This supports walkability and will assist in contributing to a well-functioning urban environment.
- 2.12 If it is considered appropriate, a guideline could then be drafted to provide guidance on these matters and provide examples of good outcomes to assist with design resolution and assessment. Given my concerns with the medium density guideline as discussed below, and as the guide sits outside the Plan, the Plan needs to standalone.

3. WALKABLE CATCHMENT METHODOLOGY

- 3.1 The Council's definition of a walkable catchment is set out in the Section 32A report, Appendix 4, which aligns with the definition used by other Councils in terms of the basic time and distance parameters. I agree with these.
- 3.2 Given my assumption that the city centre is a Metropolitan centre in the Wellington Region context, the 15min / 1200m catchment does not apply, however, this does not mean that the application of the High Density Residential zone needs to change if it is considered appropriate to apply wider than the walkable catchment. I note that Kainga Ora supports the application of the HDRAA zone at least as recommended in the Section 42A report. The various triggers for the different catchments result in overlapping catchments which results in a wider overall catchment.
- 3.3 I support the application of additional height in the HDRAA relative to centres as sought by Kainga Ora, and in this case apply additional height around the Hutt City Centre and Petone Centre based on the principled approach of 10 Storeys within a 400m walkable catchment. My position at this point is a reduction of the height and extent as sought by Kainga Ora in submissions.
- 3.4 The council's methodology for adjusting the basic catchment includes consideration of walking time affected by steeper slopes, but does not set out the detail of how this was applied.
- 3.5 It also includes consideration of where footpaths could be added, where they currently do not, in support of a walkable catchment. I agree with this as the Plan provides for future growth opportunities, and I expect that the public realm will respond as growth occurs.
- 3.6 The Council's methodology is different to that used in Porirua, for example, where the catchment must also include a school, local park, and supermarket. In Wellington, the Council has also considered the existing community/commercial services in support of a walkable catchment, but not as specific as in Porirua.
- 3.7 I consider the following key principles influence my position on walkable catchments which I have developed through my review of

other proposed Plans, particularly in Porirua and Wellington in order to achieve a consistent approach:

- (a) Enable the maximum residential opportunity in addition to commercial and community facilities within centres which are generally on the flatter land;
- (b) Enable high density residential around the centres focusing on the flatter land opportunities generally responsive to applying a walkable catchment starting principle of:
 - (i) 15 minutes (1,200m) from the edge of the City Centre zone and apply the High Density Residential zone within;
 - (ii) 10 minutes (800m) from the edge of the Metropolitan Centres and Town Centres, and from Rapid Transit Services and apply the High Density Residential zone within;
- (c) Within the HDRAA determined above, enable greater residential density with provisions to achieve a planned urban built form transitioning through heights of 8, 10 and 12 storeys applied as appropriate in response to the different (higher) planned heights of centres, generally within 400m of the (proposed) Town Centres and 400-800m of the Metropolitan Centres, and the City Centre (not all apply in Hutt City);
- (d) Enable greater residential density with provisions for 5 storeys within a 5 minute (400m) catchment from the edge of some Local Centres and apply the Medium Density Residential zone (**MDRAA**) within;
- (e) Opportunities for increased residential density should favour centres over RTS stations. However, where both exist, the RTS stations provide access to other centres which supports greater intensification;
- (f) Refinement of walkable catchments, or the application of the HDRAA to larger areas, should respond to the existing and potential future attributes of the location, but with a preference

for an enlarged area at good locations in response to providing more opportunity than the minimum expectations set out in the NPS-UD.

Expansion or retraction

3.8 The attributes that support the expansion of the HDRAA that I consider to be important (and are consistent with the MfE guidance⁴) are listed below. However, I consider not all of these attributes must be present to justify the expansion of the HDRAA as this is a plan for growth:

- (a) Well-connected high permeability areas including connections with pedestrian stairs;
- (b) Streets with good infrastructure (footpaths, cycle lanes);
- (c) Flat or low gradient areas;
- (d) Consistent built-form response to landform, or connections between elements;
- (e) Access to recreation or sports reserves;
- (f) Proximity to community and education facilities;
- (g) Proximity to commercial activities;
- (h) High amenity values (views, natural environment);
- (i) High (re)development opportunities (low value housing stock);
- (j) Continuation of the urban fabric; and
- (k) Range of transport modes.

3.9 Likewise, a reduction in a catchment size (and therefore the application of the HDRAA) may be appropriate where the ability to achieve a walkable environment is very constrained with safety issues and urban fabric discontinuity. These elements include:

⁴ Ministry for the Environment, Understanding and implementing intensification provisions for the National Policy Statement on Urban Development, 2020.

- (a) Poorly connected areas separated by open spaces or natural features such as cliffs and rivers, or infrastructure such as motorways and railways;
- (b) Consistent built form response to landform;
- (c) Narrow streets (<12m), or where pedestrian connectivity is poor and hard to achieve in the future;
- (d) Streets steeper than 11° (1:5) 20%; and with consideration of street gradients above 12.5%⁵ except where stairs are provided;
- (e) Low (re)development opportunities (high value housing stock);
- (f) High coastal hazards such as inundation and tsunami risk (avoid high risk areas; manage in medium risk areas);

3.10 Some of the challenges when undertaking this analysis include consideration of risks and how they might have been defined. The high tsunami risk or high coastal inundation overlay should exclude zoning higher density for example. This zoning, therefore, relies on the accuracy of the risk mapping which is assumed to be correct and not challenged in this process. In Petone, these risk overlays apply along the waterfront and extend north into the urban fabric for approximately half the distance from the coastal edge to Jackson Street.

3.11 It is difficult to identify on the street where the boundary of this risk would fall, particularly as the streets are very flat, yet the risk mapping covers only a portion of the street towards the coast.

3.12 In the Wellington region, the walkable catchments tend to favour one side of a centre or RTS due to the barrier effect of railways and motorways where there are limited connections. The expansion and reduction of the catchments have considered these elements which might support a larger area to one side, even if further than the catchment principle, where good opportunities are provided and assist in enabling an overall residential population at those locations

⁵ 12.5% gradient is the steepest anticipated for a new road provided for in Section 329(1) Local Government Act 1974, unless fixed by any operative district scheme or bylaw or resolution of the Council. There are existing streets steeper than this.

considering the lost opportunities due to the barrier. This applies to the Hutt Valley where the Hutt River and the motorway generally provide barriers along the western side.

- 3.13 The consideration of street gradients for determining catchment expansion or retraction is difficult in Wellington due to the gradients of existing streets in very close proximity to the City Centre where high density opportunities are considered appropriate for other beneficial reasons. This is not an issue in the Hutt Valley, except on the outer extremes where steeper topography exists. Streets with gradients of more than 12.5% (1m in 8m) need careful consideration as this is considered steep from a walking perspective. Ideally, gradients are less than 5% (1:20) as it is considered to be relatively flat and provides for universal access, not just walking.
- 3.14 The walkability of an area will change over time, and by enabling development in areas may also trigger public infrastructure enhancement (street upgrades, pedestrian bridges etc) to be enhanced. Growth of a residential population may also trigger the development of further commercial and community services.
- 3.15 The Council's methodology for applying the HDRAA is consistent with my version, however the actual zone application by the Council to some areas of the city differ from my analysis as discussed below. I acknowledge that there are many variables and defining walkable catchments for zoning is not an exact science.

4. APPLICATION OF ZONES

- 4.1 Generally, the application of the HDRAA as per the Section 42A recommendation favours a wider area than the walkable catchment, and I support this as it is in accordance with the Policy 3 direction, on flat land with good connections and a range of amenities with access to services and employment opportunities and transportation.
- 4.2 I have, together with colleagues from my office, considered the application of the HDRAA in the Kāinga Ora submission maps using the methodology I have set out above. This included a critical review of the areas together to ensure a robust outcome. This work, together with wider discussions and considerations I have undertaken for the

Wellington, Porirua and the Kāpiti Coast IPI processes has further solidified my thinking that we should be maximising the residential development potential on flat land as a priority **in and around centres and rapid transit stations** as I consider these are the best and most likely locations for development at greater densities. This means the potential for additional height in some of these areas is a very important consideration to achieve this outcome, rather than expanding to areas where fewer of the supporting attributes exist as highlighted above, or have the potential to be enhanced or provided in the future. In terms of height, this is both the height standard and the height in relation to boundary standards as they work together.

- 4.3 This process has generally resulted in my support for a reduced application of the HDRAA compared to the Kāinga Ora submission. My recommended application of the HDRAA is set out on the maps included in **Attachment C**. These maps are provided as a recommendation from an urban design perspective in response to the NPS-UD requirements and consideration of submissions by Kāinga Ora. There may be other factors that might result in further adjustments, particularly in relation to a full Plan review as discussed previously. Due to the scale of this task, I consider further refinements may be necessary to reach a final mapping position.
- 4.4 I have recommended an expansion of the HRDAA at Naenae to include the area south of Pilcher Crescent, along both sides of Waddington Drive between Cole Street and Naenae Road. This area is further than the 800m catchment principle from the station, however it is flat with reasonable connections, supported by the school and the natural landscape including the Waiwhetu Stream and the steep land beyond. It follows an urban fabric response where the stream and open space corridor generally defines the area around the centre, from those further suburban areas.
- 4.5 I have also recommended expansion of the HDRAA to the north east along Hewan Crescent, and both sides of Naenae Road following a similar urban fabric reason as above, again supported by Rata street school and only part of this street is further than 800m from either Naenae Station or Wingate Station.

- 4.6 I have recommended the replacement of the HDRAA with the MDRAA (plus height overlay) around the Local centres of Wainuiomata, Stokes Valley and Eastbourne.
- 4.7 In addition, I also qualify these recommendations with the following. Kainga Ora did not seek to reduce the application of the HDRAA as notified in PC56 in other areas, therefore the HDRAA areas as proposed by the Section 42A are included in the maps in **Attachment C**.
- 4.8 Through our analysis we have identified some areas zoned HDRAA as recommended in the Section 42A that do not meet the above criteria, and are not the best locations for higher density. For example, the areas to the west of the motorway at Korokoro, Dowse Drive, Normandale Road, Tirohanga at Melling, and McDougall Grove west of Manor Park Station. These areas are within the 800m walkable catchment, however they rely on a very poor pedestrian access and parts of the streets are steep with poor access to existing lots. McDougall Grove is relatively flat and it may be possible to add pedestrian paths along this street and could support higher density, but is not well connected except for the underpass which should not be relied upon, especially at night.
- 4.9 I recommend refinement of the zone application should apply to these Section 42A HDRAA recommended areas also.

5. PLANNED URBAN BUILT FORM

- 5.1 The design standards of a particular zone are just as important as the spatial extent of zones as they define at least what general bulk and location outcomes are considered appropriate to achieve the objectives and policies for each zone. These are then typically tempered by transitions at the boundaries between zones, for example, development in the HDRAA is potentially constrained by the height in relation to boundary standard (**HIRB**) at the boundary with the MDRAA.
- 5.2 The Section 42A recommended provisions do not require such a transition, as the HIRB is the same for both zones at 4m+60°. They do

however further restrict development on sites around a Marae in the Community Iwi Activity Area.

- 5.3 The HIRB standards play a big role in the built form opportunities, and in achieving height and bulk on sites. The more restrictive the HIRB standards are, the larger the site needs to be in order to achieve taller buildings. The application of more restrictive HIRB standards is likely to require the amalgamation of additional sites in order to achieve the maximum building height standard. Relying on site amalgamation is problematic as this requires alignment of property acquisition at the right times which is not always possible/feasible. In my opinion, the lower the number of sites that need to be amalgamated lowers the risk of not achieving redevelopment outcomes as sought, and opens the market to a greater number of developers through lower up front costs.
- 5.4 The planned built form character as proposed is not very different between the MDRAA and HDRAA zones, particularly as the MDRAA provisions enable additional height (than the standard) as an RD activity which is effectively the same as in the HDRAA as buildings with more than three residential units. The difference being that the standards suggest additional height is appropriate in the HDRAA supported by the policy. The additional height would still need to be located the same distance away from another site regardless of whether the site is in the HDRAA or MDRAA zone while complying with the HIRB standard. This is illustrated in Attachment B SK09.
- 5.5 The main difference of opinion between the reporting officer and Ms Williams lies with the provisions in the HDRAA, where there are effectively two different planned outcomes proposed as determined by the bulk and location standards.
- 5.6 Both options have merit from an urban design perspective. However, Ms Williams' approach would enable at least 6 storey buildings to be built along the street with the potential for a consistency of height and façade to the street, such as illustrated in Attachment B, SK04. This is a more 'urban' outcome not dissimilar to the form of taller buildings along Oriental Parade where buildings are close together, and face the street (and the high amenity of the waterfront) with limited to no side interactions.

- 5.7 However, I pose the question: is this a desirable outcome in the HDRAA? In my opinion it is, and it is also a good way to achieve taller buildings in the best locations where density can be maximised, while retaining some of the important aspects such as good outlook (not just the minimum), good sun access, and open space opportunities where trees and vegetation on a site can assist with amenity values, shade and stormwater management. It provides for a distinctly different outcome to the MDRAA, which I consider better supports the objectives and policies and better achieves the NPS-UD direction.
- 5.8 A similar outcome is also enabled by the Section 42A option, where say the three sites on one side of the street in Attachment B, SK03 are amalgamated and the internal HIRB would not apply, resulting in a potential bulk in relation to the street as illustrated by the red line in Figure 1 below. The difference then is whether the stepped interface outcome is required at the boundary to a neighbouring property. I consider this unnecessary in the HDRAA. The experience from a neighbouring site could still include that of a relatively tall building complying with the 4m+60° HIRB standard, just further from the common boundary, and may result in some additional sun access to the neighbouring site as illustrated by comparing the examples in Attachment B SK05 and SK06. The difference is not significant. The HDRAA should provide an expectation that taller buildings will exist on adjacent sites and the interface should be in response to the higher density objective for the HDRAA.



Figure 1 - An example of the bulk envelope (red line) of a site that is the result of amalgamating three sites, based on Attachment B, SK03 where the maximum height is not controlled by the HIRB and no internal HIRB control is applied.

- 5.9 I consider that the HDRAA should be different to the outcome in centres where an even more 'built' urban form should exist with vegetation provided in streets and open spaces. In centres, the provision of onsite landscape and open space is not expected.
- 5.10 The reporting officer's recommendation provides for an outcome that encourages more space or gaps in the built form along streets where multiple developments occur. Applying this approach would result in an overall built form that encloses the street to a lesser degree – an outcome I consider to be less than ideal for a high density environment.
- 5.11 I consider the reporting officer's recommended approach could result in the same outcome as Ms Williams' approach (and my preferred

approach) if that same street was developed by one party as one big development where the HIRB standards would not apply to the internal boundaries. However, the likelihood of this being achieved is relatively slim.

- 5.12 Some of the most interesting streets have been developed overtime with a similar form but with varied architecture. This outcome is enabled in both options, however, is it less likely this desired outcome would occur if the street was developed through the use of a single large site as typically the architecture is very similar in such developments.
- 5.13 I consider that the planned urban built character is not that prescriptive. However, I do consider there is a clear policy direction that buildings of at least 6 storeys are enabled in this zone. The opportunity for buildings of this scale should be enabled with a preference at the front of sites, where they can abut one another without recession planes. The older urban fabric of parts of Wellington have outcomes whereby buildings sit close to one another along a street without such side yard set backs. I acknowledge these are lower height buildings. However, these were designed with the same principles of facing the street and to the rear with limited to no windows in side walls with a similar scale along the street. In the Hutt Valley, the urban fabric is more recent with a greater suburban character with substantial space around dwellings. This character is anticipated to change.
- 5.14 Many other different forms are also enabled by either option, including single storey detached houses in the HDRAA, which arguably do not achieve the objective of 6 storeys for this high density zone.
- 5.15 I consider the standards need to be selected based on providing the most appropriate methodology to manage or achieve the outcome, rather than defining the outcome.

6. DESIGN STANDARDS

- 6.1 If it is considered that the planned urban built character of the HDRAA is a high density zone, with a high bulk and scale of buildings as

proposed by Kāinga Ora, the development standards need to be designed to achieve this outcome.

- 6.2 I refer to the word documents of the chapters that incorporate the amendments from the Section 42A report. As the High Density Residential Zone is a new chapter, I understand it includes all provisions.
- 6.3 I consider the development standards as recommended by the reporting officer would achieve a lower density / lower bulk outcome and do not support the planned built outcome.
- 6.4 It is somewhat difficult to develop standards without confirmation of the outcome sought. However, I discuss below each of the standards that Kāinga Ora has sought to change, assuming the higher bulk option is favourable.

General Height Standard in HDRAA

- 6.5 The Section 42A report Chapter 4G recommends a permitted height standard of 22m, or where a specific height control overlay applies, the permitted height is specified. I support this as it provides for 6 storey buildings with flexibility for elevated ground floor levels and roof forms, and enables greater expectations in some areas, or manages issues in other areas with a reduced height.

Additional height in HDRAA

- 6.6 The Kāinga Ora submission sought to apply height variation controls over the HDRAA at 29m (8 storeys), and 43m (12 storeys) around the city centre, and 29m around the Waterloo Station, in response to the height of these centres, to enable more than the minimum 6 storeys required by the NPS-UD.⁶
- 6.7 The submission also sought a 36m (10 storeys) height variation control (**HVC**) over the HDRAA around Petone in response to the centre height in Petone Commercial Area 2.

⁶ I note these heights have been determined using a 3.6m floor to floor distance which provides flexibility and roof forms.

- 6.8 The Kāinga Ora approach would therefore enable the potential for more density close to the centres supporting a compact outcome, however due to the proximity of the centres, this resulted in a large area with significant additional opportunity.
- 6.9 Applying a consistent approach to centres, if the city centre was to be classified as a Metropolitan Centre, a height standard of 53m (15 storeys) would be suitable. I note that no height standard is proposed by the Section 42A report, and Kainga Ora did not oppose this as it more enabling.
- 6.10 If this were to apply, a 36m (10 storey) height overlay control for land within 400m of the centre zone would be more appropriate than the 43m included in the submission as it enables the centre to appear taller than the surrounding residential zone and provide a transition to the standard HDRAA zone of 22m (6 storeys). Another intermediary step at 8 storeys (29m) would also be possible resulting in a two storey difference at the interface.
- 6.11 If the unlimited height provision is retained, a 43m HVC could be more appropriate, however, it depends how many buildings will result over 15 storeys in the centre and I expect that number to be rather low.
- 6.12 I recommend at this point, that the HVC over the HDRAA around the metropolitan centres should be 36m generally within 400m of the zone, and I have considered this extent relative to cadastral boundaries and existing facilities such as schools.
- 6.13 The application of the HIRB standard in conjunction with the height standards or overlays are required to be considered together as the outcomes sought by additional height, is unlikely to be realised with a restrictive HIRB standard such as recommended by the reporting planner.

HVC at Petone

- 6.14 The submission maps 1 and 2 included a height variation control to the east of the Petone Area 1 and 2 in support of that centre, and due to the proximity to the waterfront.

- 6.15 I understand, that due to the heritage overlay applying, the additional height was not sought to extend east of Williams Street, around Patrick Street, or north west of Hutt Road.
- 6.16 The strategy used for the adjusted maps in **Attachment C**, does not include additional height between Marine Parade and Jackson Street in response to the high coastal hazard which applies to approximately half of that area, and a more conservative approach particularly with regard to the Petone Commercial Area 1 with a 10m height HVC applying to most of it. The Petone Commercial Area 1 would still provide for an inverted form as compared to the standard approach of taller buildings in the centre, as 22m is enabled both north and south of Jackson Street beyond the centre. By not increasing the height standard south of Jackson Street, a more relaxed potential enclosure of the Petone Commercial Area 1 could result, where views from taller buildings at the northern side of Jackson Street could be provided over the lower built form closer to the sea.
- 6.17 Map 2 of 13 in **Attachment C** illustrates the area for this HVC generally bound by the commercial zones to the west, Udy Street, Manchester Street and William Street, which is based on 400m from the Petone Commercial Area 1 (along Jackson Street) which I understand is considered part of the Metropolitan Centre.
- 6.18 There is however, the potential for this HVC to apply from Buick Street through to the golf course due to the employment opportunities at the eastern end of Jackson Street that could potentially assist in supporting a higher population. This would require further analysis, particularly of the implications with the heritage values. I therefore recommend that the HVA is carried as far as William Street, as shown within **Appendix C**.

HIRB Alternative in HDRAA

- 6.19 The reporting officer has recommended a HIRB standard of 4m+60° applies to any building on a site, except at the road frontage, internal boundaries, or where a common wall exists or is proposed.
- 6.20 This is the same standard as the MDRS which also applies to the MDRAA and is too restrictive in my opinion as discussed above.

- 6.21 Modelling undertaken by my team demonstrates that the height in relation to boundary standard is the main height controlling provision in achieving taller buildings on existing narrow sites, rather than the height standard.
- 6.22 The modelling shows that to achieve 6 storeys applying a HIRB of 4m+60°, a site width of 19.67m (minimum) is required. However, this assumes only a 3.5m minimum wide top (6th) floor, or the width of one bedroom, 3.0m floor to floor heights, and where eaves and gutters can be included within the HIRB. This is illustrated in **Attachment B**, SK09, Example 4.
- 6.23 The proposed 4m + 60° HIRB standard in the HDRAA does not assist with enabling taller built form outcomes beyond what can occur within the MDRAA. Other Councils in the region have proposed to increase the HIRB standard for more than three units in the HDRAA (equivalent) to 8m+60° in some cases, in order to enable a greater building bulk for a higher density outcome. Auckland City Council has proposed a 19m+60° HIRB in the Terrace House and Apartment zone, being the equivalent), while Christchurch City has proposed 14m + 60°.
- 6.24 Considering the building forms three-dimensionally, the 4m+60° or 8m+60° HIRB options promote a building form that exists down the length of the site, potentially with balconies to the sides where they could fit in the steps of the vertical walls and the HIRB envelope, or to the rear of the site.⁷ This is not a great outcome.
- 6.25 Whilst these examples provide for 6 storey buildings on a site, it is anticipated that a number of sites would be amalgamated to enable a reasonably sized apartment building where the HIRB standards would not be so restricting. However, this will depend on individual developers' ability to acquire sites and aspirations. Alternatively, smaller developments might result on individual sites where the ability to achieve 6 storeys is more limited.
- 6.26 Kāinga Ora has sought a more enabling height in relation to boundary standard of 19m+60° along all boundaries within 21.5m from the frontage and 8m+60° along all other boundaries.

⁷ Refer Attachment B, SK09.

- 6.27 The 19m+60° easily enables 6 storeys on the same width site as the example set out above but fronting the street.⁸
- 6.28 In my opinion, this is a good form for 6 storey buildings as it allows the building to orientate to the street at all levels, resulting in a well-defined street edge which would assist with streetscape enclosure and create an urban streetscape. These provisions would also enable good three level buildings and assist in achieving higher density on smaller sites, which could be achieved by a larger range of people.
- 6.29 The building can also orientate to the rear yard where good outlook over its own site is enabled with no need for side windows or side outlook orientation minimising potential privacy issues, and could easily enable frosted windows and detailing of the side façade which should be considered as part of the overall design. The outlook to the rear boundary in this example would be 13.5m, and if this form and site were repeated as a flip to the rear, a generous 27m separation between buildings would be achieved. This would provide excellent privacy separation, daylight and sunlight.
- 6.30 I note that the length of 22m along side boundaries where the 19m+60° applies is slightly different to Kainga Ora's submission for similar standards in other Councils, such as 20m in Porirua, and 21.5m in Wellington. I am not aware of the reason behind the difference, other than whether or not front yard set backs were proposed. I consider that a consistent standard should be used and I recommend 21.5m as this would enable a 20m building depth with a 1.5m front yard setback. The diagrams in **Attachment B** use 21.5m.
- 6.31 I consider that the 19m+60° HIRB together with the 50% building coverage standard⁹ is a useful mechanism in achieving a good quality urban form (not suburban) which encourages buildings to the street frontage and better enables 6 storeys on a greater number of sites to achieve Policy 4G 3.3 specifically.
- 6.32 I recommend that the alternative HIRB needs to work with the 50% building coverage standard to manage total building bulk relative to

⁸ Refer Attachment B, SK10, Figure 6.

⁹ Rule 4G 4.2.2

neighbours and to encourage development to the front site where greater bulk can be achieved. The total building envelope would be more enabling, however, the design process would need to determine the best location for bulk and design of the resulting building.

Buildings along the full length of the side boundary could still result similar to the Council's option and with more opportunity at the front of the site.

- 6.33 The way I understand how the Plan is proposed to work, is that there is an expectation that 6 storey buildings will unlikely comply with the standards¹⁰ (which is strange in itself as the standards should enable 6 storey outcomes), and applications will be assessed as restricted discretionary activities.
- 6.34 In my experience, many lay people consider height standards as maximums, and provide for an outcome that is considered appropriate. The matters of discretion listed in Rule 4G 4.2.4 b) for assessing non-compliance with the HIRB standard, includes the **planned urban built character of at least six storeys**, and the **effects on privacy, shading** from the **additional bulk on adjoining sites**, and **effects on the amenity of the streetscape**. This would require an assessment of the potential effects over the relatively low bar of the 4m+60° HIRB standard for example.
- 6.35 I consider this provides very little certainty for developers on the potential building form, and uncertainty on level of impact that is considered appropriate, and does not provide confidence that 6 storeys would result.
- 6.36 I support requiring a resource consent to allow for an assessment of the quality of the building design where the site contains more than three units, however the framework should at least provide the envelope within which a building can be designed. Any building outside this envelope can then be assessed in greater detail for its effects on others.

¹⁰ S42A, High density Residential Activity Area tracked change version, 4G 1 introduction, Second to last paragraph. I note that Ms Williams recommends changes to this paragraph which is more suitable.

- 6.37 I note that additional building coverage could also be achieved through a consent process where the impact of additional bulk can be assessed as provided for in Rule 4G 4.2.2(b), however the reference to the Medium Density Design Guide at the end of that rule is concerning, given this rule applies to development in the HDRAA.
- 6.38 When the different HIRB options are considered in a street, the images in **Attachment B**, SK02 to SK04 illustrate the different outcomes between the Council's MDRAA (11m and 4m+60° HIRB), the Council's option HDRAA (22m and 4m+60° HIRB), then the Kāinga Ora option (HDRAA - 22m, 19m+60°HIRB) respectively for development on each site individually.
- 6.39 The main difference between the HDRAA examples, is that less built form would be expected next to a neighbour with the lower 4m+60° option and would restrict the potential scale of buildings on any site compared to the 19m+60° option. Greater bulk experienced by a neighbour is not necessarily an adverse effect, rather a different impact.
- 6.40 While I acknowledge that the images in **Attachment B** have been modelled using six sites in Porirua which have some site contour, I do consider they appropriately illustrate the contribution to the streetscape these different forms provide, and SK04 supports and urban streetscape with a well defined and enclosed street. The size of these sites is representative of sites such as at Benge Crescent in Naenae, for example, however they have less topography.
- 6.41 In terms of the shading impact from these building form options, as one would expect, the Kāinga Ora alternative restricts sun access to a greater extent than the reporting officer's recommended planning framework. However, the two options provide good sunlight access to both the front of these sites and the rear yards, but at different times of the day, particularly with a limitation on building coverage. I do not consider the restricted sun access resulting from the Kāinga Ora submission to be inappropriate. However, this should be a matter for consideration through the consent process where the location of the building elements and design of the building can best achieve these outcomes.

6.42 This alternative HIRB standard and the 50% building coverage will not prevent buildings occurring towards the rear of the site, the same as the Council's option. However, this could result in lower building height to the rear and less bulk at the front due to a reduced footprint, unless it is a perimeter type building with open space in the centre of the site.

6.43 In my opinion, using the 19m+60° HIRB with a 50% building coverage results in a superior built form outcome as it would:

- (a) ensure 3 to 6 storey developments can occur to a greater extent than the reporting officer's recommendation (i.e. a greater number of, and on smaller width sites);
- (b) encourage a built form to orientate to the street which is a desirable outcome in the HDRAA;
- (c) assist in providing the opportunity for apartments to be designed so they can overlook the street or rear yard (rather than to side boundaries);
- (d) provide for inactive side relationships between buildings without the requirement to step down to an existing lower dwelling;
- (e) provide good sun access; and
- (f) provide a balance of open space which can add to the amenity of the development including good outlook and privacy where trees could thrive.
- (g) Enable buildings taller than 6 storeys to establish on narrower sites than using a 4m+60° HIRB.

6.44 The main difference between the reporting officer's recommendation and the Kāinga Ora alternative as experienced from a neighbouring property, is that the Kāinga Ora alternative will enable a greater built form closer to their common boundary, particularly at the front part of the site. However, the NPS-UD expects that the existing amenity

values will change,¹¹ and I consider that experiencing a larger building adjacent to an existing dwelling in the HDRAA is consistent with the high density planned outcome.

6.45 The standards are important methods for achieving the objectives and policies, and provide expectations that spatially define the planned urban built character. I do not consider it appropriate to rely on a resource consent process to achieve bulkier buildings on a site using the reporting officers recommended 4m+60° HIRB as a starting point.

6.46 The 4m+60° HIRB would apply to development in the HDRAA along boundaries with the MDRAA to assist in managing those interfaces.

Heights and HIRB in MDRAA

6.47 The Section 42A recommends an 11m (plus 1m roof) height standard for up to three dwellings, implementing the MDRS standards and Kainga Ora support.

6.48 Kāinga Ora, however, sought an 18m standard (5 storeys) around Local Centres (6 storeys), and a corresponding increased HIRB standard of 6m +60° applying to the first 22m of a site along side boundaries, while retaining the 4m+60° along other boundaries. If only the height standard increased the Council 4m+60° would apply.

6.49 These two HIRB options are illustrated in **Attachment B** SK08, where the same site width and 18m height limit apply. They illustrate that an additional storey can be achieved and slightly wider floor plates with a two storey vertical outcome close to the boundary can result with the 6m+60°.

6.50 This alternative HIRB standard follows the same concept of the 19m+60° HIRB in the HDRAA, by enabling more bulk to the front of the site.

6.51 The intention is to enable some additional density around the local centres of Wainuiomata, Eastbourne and Stokes Valley, using the MDRAA with enabling height standards to 5 storeys, as opposed to the Section 42A report recommendation using the HDRAA which would

¹¹ Policy 6 of the NPS-UD.

enable 6 storeys, noting this is a change from the notified proposal where 4 storeys were proposed.

- 6.52 The proposed combination of height standards is a consistent approach proposed in other jurisdictions and will rely on a proposed change in the zone. The Maps in sheets 4, 5, and 12 in **Attachment C** illustrate that the HDRAA has been removed around these centres and replaced with the MDRAA. The spatial extent of the HVC overlay in these maps is greater than the HDRAA area proposed by the reporting planner, but less than the area identified in the submission maps following a more detailed analysis.
- 6.53 I consider a more relaxed planned built character in these areas is more appropriate than the HDRAA with the alternative HIRB standard.
- 6.54 Building design will also be required to be assessed for developments with more than three units to enable a response to the context.

7. COMMERCIAL AT GROUND FLOOR

- 7.1 Kāinga Ora sought to introduce a new rule in the HDRAA chapter to enable ground floor commercial activities at the base of apartment buildings, limited to not more than 200m² GFA with operational time restrictions. The rule is set out in Attachment A Chapter 4G 4.1.xx of Ms Williams' evidence.
- 7.2 I support this change as:
- (a) The design and use of the ground floor of apartment buildings is the most important aspect of such a development where they interact with the street or open space;
 - (b) Commercial activity at the ground floor is a good way to avoid potential privacy and amenity issues associated with residential at ground floor;
 - (c) These activities can provide meeting locations for residents and others in the neighbourhood, and can assist with live-work opportunities and the supply of daily needs;

(d) The commercial activity can add to the activity at the street level, provide interest along the street which supports walkability.

7.3 Commercial activity should be enabled and encouraged, and the proposed changes specifically provide for this at ground level of an apartment building with a maximum permitted gross floor area. The proposed wording acknowledges that any commercial activity will be ancillary to residential activity and at a location where it is best suited to avoid effects on the residential environment. It has the potential to provide positive effects on the street amenity and for residential users of the site.

8. DESIGN GUIDELINES

8.1 The Section 42A report states that the way design guides for residential activities sit in relation to the plan was addressed in Plan Change 43, which is to have design principles in the plan and the guide site outside. This approach is continued in PC56¹², and this is clearly stated in the introduction to the HDRAA chapter for example.

8.2 One Rule (4G 4.1.7) and most of the standards in the HDRAA refer to the Medium Density Design Guide however the wording varies from being part of the matters for discretion as in Rule 4G 4.2.1:

“When considering the matters in (viii), the Council will be principally guided by its Medium Density Design Guide.”

8.3 Or as a note such as Rule 4G 4.2.2:

“Note: When addressing or assessing potential effects in relation to matters (i) and (ii) above, applicants and the Council can be informed by the relevant outcomes identified in the Medium Density Design Guide.”

8.4 I struggled to find the Medium Density Design Guide (MDDG) online which required asking Ms Williams how to obtain a copy. This should be rectified if they are going to be used.

8.5 Upon reviewing the MDDG, I found that they are not fit for purpose for guiding development in the HDRAA, and I would say they need to be updated for the MDRAA also.

¹² Section 42A, paras 155, 156

- 8.6 There are good themes within the guide, however I am concerned that the guidance does not assist with an assessment,. For example, Step 3 key design elements, requires the ‘application of the key design elements to your development proposal’. One element is height: in 3.1 height - it seeks a ‘*reduction of shading and privacy impacts on adjoining sites*’, but doesn’t say what the starting point is for the reduction, particularly if buildings are anticipated to not comply with standards as discussed above. Or in 3.2 “*management of building location and building height in relation to boundaries*” with the following guidance “*The building is modified to avoid cutting through recession plane adjoining a general residential activity zone*”. The latter reads as a rule and does not assist when considering a proposal that might not comply with the HIRB standard for example.
- 8.7 This further supports my concern discussed above where the reporting planner is recommending restrictive HIRB standards and relying on an assessment of proposals that breach it.
- 8.8 Unless the guide is updated to include guidance for the HDRAA, I agree with Ms Williams recommendation that the reference to the Medium Density Design Guide in the residential chapters should be deleted.
- 8.9 Ms Williams has recommended changes to the policies to include design outcomes such that the matters for assessment refer to the policies and anyone undertaking the assessment can draw on best practice urban design to determine whether a proposal is appropriate. I have discussed the policies above.

9. CONCLUSION

- 9.1 In conclusion, I provide the following summary in relation to proposed Plan Change 56:
- (a) The Council has applies the high density residential zone to appropriate walkable catchments generally, and applies this also to wider areas where there are good opportunities. This supports the NPS-UD where it seeks to enable density in at least a walkable catchment;

- (b) Some areas proposed as high density residential to the west of State Highway 2 are within a walkable catchment from railway stations, however, they are poor areas for intensification and while retained on the Maps in Attachment C, these should be reconsidered;
- (c) I recommend the expansion of the HDRAA at some small areas in Naenae, and the revised maps in Attachment C provide my current recommendation on zone and HVC application;
- (d) I support the recommended changes by Ms Williams to the objectives and policies, particularly as they add detail which will better enable the assessment of proposals against the policy framework;
- (e) I also support the changes to the standards within the residential chapters as further refined by Ms Williams, in addition to those recommended by the reporting planner;
- (f) I consider the 19m+60° HIRB standard is more suitable in the HDRAA compared with the reporting planners recommendation of 4m+60° as it better enables 6 storey buildings at the front of sites on a higher number of sites. This supports a high density outcome in accordance with the NPS-UD;
- (g) I consider that additional density and height are appropriate around the Local centres of Wainuiomata, Stokes Valley, and Eastbourne, however, a HVC of 18m over the MDRAA is a better method of achieving a more relaxed outcome in these more suburban locations than applying the HDRAA as recommended by the reporting planner;
- (h) I support an additional height to 36m with 400m of the Metropolitan centres;
- (i) Commercial activities should be enabled in the HDRAA on the ground floor of apartment buildings;

- (j) The existing Medium Density Design Guides are not suitable to assist with the guidance for the HDRAA and potentially also not suitable for the MDRAA, and support these not being included in the Plan.

Nicholas J Rae

29 March 2023

ATTACHMENT A – LIST OF RELEVANT EXPERIENCE NJ RAE

- (k) Assisted Kāinga Ora with urban design advice and evidence to hearings panels on the intensification plan changes for Wellington, Porirua and Kapiti Coast Councils.
- (l) Proposed New Plymouth District Plan – Assisted Kāinga Ora following submissions with analysis, and advice and provided evidence to the hearings panels on the topics of viewshafts, residential, commercial and mixed use zones and zone application.
- (m) Plan Changes 51 and 61 to the Auckland Unitary Plan (“AUP”) – reviewed the proposed private plan changes for Drury West and provided evidence to support submissions with regard to consideration of Town Centre, Local Centre, Terrace House and Apartment, and Mixed Housing Urban zones near a proposed new rail station in the Drury growth area.
- (n) Central Hawke’s Bay District Plan - I have provided evidence to the Proposed District Plan relating to intensification provisions.
- (o) Plan Change 26 in Tauranga City –assessment of the proposed intensification in the Te Papa peninsula in Tauranga city in regard to the existing viewshafts that seek to retain views to the Mauao (Mt Manganui).
- (p) Plan Change 67 to the AUP – assisted with drafting changes to an existing precinct applying to approximately 200ha of land in Hingaia Auckland, and providing evidence to an independent hearing.
- (q) My team and I currently provide a design review role for residential proposals in a new subdivision in Hingaia, Auckland against developer led design guidelines.
- (r) Proposed Queenstown Lakes District Plan Appeal for Jack’s Point, providing advice and draft evidence to the Jack’s Point Residents and Owners Association regarding landuse

classification (effectively a precinct) in the Village which included reviewing the Comprehensive development plan and design guidelines. Resolved prior to hearing.

- (s) Proposed Auckland Unitary Plan - I provided evidence to the Independent Hearings Panel hearings on the proposed AUP for private land holders.
- (t) America's Cup Resource consent – I provided advice and evidence on behalf of resident groups in the Viaduct Harbour in relation to the visual effects of the proposed America's Cup development proposed. This included consideration of the effect on lower order views along streets and within the Viaduct harbour.
- (u) Plan Change to rezone the western side of the airport at Frankton (Queenstown) – This involved providing advice and evidence on behalf of a submitter on the importance and management of views to the Remarkables mountain range.
- (v) Kingseat – Proposed concept plan to support submissions on the then Franklin District Plan Rural Plan Changes, which was followed closely being involved in the AUP processes. This considered a wider area of land than originally proposed at a scale that would better provide for and support the local community with retail and school provisions. It suggested different commercial centre locations and roading networks along with some light industrial and residential zones. The concept was not taken up at that time.
- (w) Clarks Beach – Proposed masterplan, Precinct plan and zone provisions and evidence to support a Special Housing area proposed for 50ha of land in the then Future Urban Zone to the eastern end of the existing development at Clarks Beach. This included proposed new road alignments, comprehensive open space networks also providing for a new 'stream' and coastal outfall and coastal rehabilitation, a neighbourhood centre and a mix of residential opportunities. Approximately half of this is consented and of that 4/5ths of the subdivision has been constructed.

- (x) Silverdale South – Proposed an alternative development pattern and land use (a mixed use and residential outcome proposed) for the area known as PC123 to the Rodney District Plan which was approved, and then included into the AUP as a General Business zone and Mixed Housing Urban zone. This is land to the south and east of the Silverdale Busway station and park n ride facility. Significant development work is underway with many houses built along with commercial development constructed and consented. The Botanic Retirement village is now part of this development, providing for around 500 units south of the park n ride. I assisted with the design and consenting of that development.
- (y) Kumeu Town Centre – Masterplan, Precinct plan and provisions to support an application for a private plan change in Kumeu. This has resulted in a Town Centre zone and Mixed Housing Urban zone to the north east of the State Highway 16 and railway. Much of this is under construction, including buildings I have been involved with from a design perspective.
- (z) Takanini Town Centre (east) – Masterplan, Precinct provisions and evidence to support opposition to a Council Plan Change proposing the land at 30 Walters Road to be residential. This has resulted in a Town Centre zoning through both the original plan change and the AUP process consistent with the structure plan. The structure plan included a train station (new Takanini station) abutting the land, however no station has resulted even following the developer offering to build the platforms. The land has been developed and is largely retail with some medical, offices and real estate agents. The development won a Property Council award in 2015.
- (aa) Rototuna North Centre – I was involved with the design of this centre for the landowner along with the provision for residential and interfaces with the proposed Waikato expressway. I have not been involved with the more recent zoning and consenting and implementation of the centre.

- (bb) Whilst not involved from a plan change perspective, I have assisted with the development of retail at Te Atatu Town Centre.

- (cc) Rotorua Central – I provided advice to the master planning work for the redevelopment of Rotorua Central which is a large block of land to the south of the Rotorua town centre.