

Speaking Notes of Matt Heale for HS4 RPS – 4/10/23

1. I will generally take my principal evidence as read but would like to highlight some key points before addressing the Council rebuttal.

Key Points from my principal evidence are that my recommended changes:

- a) seek to provide greater regional direction that would advance the RPS beyond the general direction in the NPS-UD. For example, by providing density/height outcomes for specific centres including Town Centres or their equivalent in Larger Urban Areas).
 - b) Re-enforce the statutory planning hierarchy within the RMA with the RPS giving effect to (or implementing) the NPS-UD and district plans giving effect to the RPS rather than the other way around. For example, RMA s61 notes that an RPS must be prepared in accordance with national policy statements rather than district plans, s74(2) notes that when changing a district plan regard shall be had to any proposed RPS, and district plans must give effect to a RPS pursuant to RMA s 75(3).
 - c) Achieve NPS-UD direction relating to height and density requirements, development capacity, housing bottom line, and well-functioning urban environment by providing for a variety of homes and businesses in the right locations (refer paragraph 6.19 of my principal evidence).
 - d) Help achieve integrated management of natural and physical resources across the region and address any potential cross boundary or centre hierarchy issues that may arise via future plan changes.
 - e) Are more efficient and effective than the Councils proposal because they provide clearer guidance to sub-ordinate district plans which mean the centres hierarchy and intensification levels will not need to be relitigated in future plan changes.
 - f) Are not inconsistent with the direction already taken by city and district Councils in their IPI plan changes/reviews undertaken to date.
 - g) Are supported by economic evidence that is consistent with evidence provided in other IPI hearings across the Wellington region.
 - h) Set some limits but allow zoning flexibility for district plans to determine the spatial extent of centres, parameters around lower order centres, the extent of walkable catchments, and to determine height and density beyond minimum parameters.
2. I would also note an error in the wording of Policy 30 (3) on page 14 and 27. This should read as follows:

“3. The town centres across the Wellington region ~~of suburban centres in~~”

Council Rebuttal Evidence

Policy 30

3. At paragraph 11 Mr Jeffreys correctly disagrees with Mr Smeaton and notes that Johnsonville and Kilbirnie should be regionally significant as this reflects their Metropolitan Centre Zoning as well as the level of intensification that they are directed to achieve through NPS-UD direction (Policy 3).
4. Mr Jeffreys also rejects the proposal that commuter data is reflective of the level of development in the future with the enablement of high-density development and that the data shows that the commuter data for Kilbirnie is not significantly different from other regionally significant centres such as Upper Hutt and Paraparaumu. While I agree with Mr Jeffreys that commuter data is not the sole indicator of alignment with a Metropolitan (or regionally significant) classification or indeed Town (or locally significant) classification, I believe that where people have travelled from to work at the Centre is.
5. This is because the description of Metropolitan Centre Zone in the National Planning Standards (Standards), and defined in the RPS, has a sub-regional focus and is as follows:

*"Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is a focal point for **sub-regional urban catchments**."*

6. This contrasts with the description of Town Centre Zone which serve the immediate and neighbouring suburbs as follows:

"Areas used predominantly for:

- *in smaller urban areas, a range of commercial, community, recreational and residential activities.*
- *in larger urban areas, a range of commercial, community, recreational and residential activities that **service the needs of the immediate and neighbouring suburbs**.*

7. For example, the Journey to Work data attached at Appendix 3 of my principal evidence shows that people who work in Kilbirnie, Johnsonville¹, Tawa, Newtown, and Miramar Centres have a more regional Journey to Work catchment than lower order local centres such as Karori (see

¹ Refer Appendix 1

Table on Pages 37-42 and Maps on Pages 46-50). As outlined in the table on Pages 37-42 of my evidence, Journey to Work data is only one factor that distinguishes where centres sit in the hierarchy. This also includes factors such as employment type, level and types of commercial and community facilities, and current and planned size of the Centre Zone. This approach is supported by the analysis provided by Mr Heath in his evidence and this is consistent with the evidence provided by Mr Cullen in his economic evidence for District/City Council hearings (see pages 43-45 of my principal evidence for references).

8. I disagree with Mr Jeffreys comment at Paragraph 17 that in the absence of any other supporting evidence each territorial authority will have determined (or will have to determine) their own centres hierarchy within each district as it provides for consistent zoning, aligns with Standards descriptions, and reflects that these centres will be subject to similar direction of the NPS-UD (specifically Policy 3). I also disagree with Mr Jefferey's comments at paragraph 19 and 22 that there would be much stronger direction to intensify the Centres I have identified as Town centres when Policy 30 and 31 are read together and this is de facto zoning.
9. Extensive evidence has been provided in the District/City Council hearings which I have included a summary and reference to in Appendix 3 of my principal evidence. In addition, extensive evidence has been provided for this RPS PC1 hearing. To summarise:
 - a) Providing clear direction in the RPS would help achieve the purpose of the RPS which is regional integrated management, and would have the benefit of streamlining any decisions, plan changes or variations² as these would have to give effect to this RPS rather than be relitigated in the future.
 - b) Taking a regional approach also helps address any cross-boundary or centre hierarchy issues that might arise if City/District Councils incorrectly classify a centre or a plan change seeks significant development outside a centre identified in the RPS.
 - c) Including Town Centres better fulfils the requirements of the NPS-UD as outlined in 6.19 of my principal evidence. The benefits and costs of this approach are clearly articulated in the S32AA Assessment (Appendix 2) of my Principal Evidence, which show that this approach is the most efficient and effective.
 - d) Table 1 in Mr Heath's evidence (column 4) shows that providing for *high density development* (apartment style with a minimum of 6 storeys) in the proposed Larger Urban Area Town Centres

² I note that the hearing panel for WCC may be considering variations or plan changes for Centres expansion which would then be tested against the RPS PC1 provisions once they become operative

is consistent with Centre Heights enabled in IPI City/District Plan Changes, and so would not result in much stronger direction to intensify in Centres but rather make it clearer what outcomes are anticipated in and adjacent to Metropolitan Centres and Town Centres across the region.

- e) Furthermore, use of the term Regionally and Locally significant in the RPS is also confusing as this is not utilised in the Standards or defined in the RPS, and the reporting officer has made it clear that these represent Metropolitan and Town Centres, so why not call them that. Calling centres by their relevant type will also create better links to density outcomes in Policy 31 and allow the RPS to advance regional planning beyond what NPS-UD policy 3 broadly states.
- f) The inclusion of the terms Metropolitan and Town Centre in Policy 30 is not effectively zoning these areas in the RPS as District Plans will still need to determine the spatial extent of centres and their walkable catchments (within parameters). This approach will still allow Centre heights to be determined in District Plans, they will just have to be above six stories.
- g) It also seems very surprising that there are no locally significant centres (Town Centres) in the most populous and intensive city in the Wellington region, Wellington City. Attached at Appendix 1 is a copy of the Centres proposed in my evidence.

10. If Mr Jeffery's recommendation is accepted then, of the Larger Urban Areas:

- a) Wellington City would have the City Centre and two Metropolitan centres (Kilbirnie and Johnsonville) with no Town Centres;
- b) Kāpiti would have one Metropolitan Centre (Paraparaumu) and five Town Centres (Raumati, Paraparaumu Beach, Waikanae, Otaki Main St, and Otaki);
- c) Porirua would have one Metropolitan Centre (Porirua);
- d) Hutt City would have two Metropolitan Centres (Lower Hutt and Petone); and
- e) Upper Hutt would have one Metropolitan Centre (Upper Hutt).

11. This distribution of Centres does not reflect an appropriate centres hierarchy based on the descriptions of Centres in the Standards or achieve the requirements of the NPS-UD outlined in paragraph 6.19 of my principal evidence.

12. An additional benefit of having a directive approach in the RPS is that private plan changes cannot be made to an RPS in accordance with clause 21 of the First schedule³. This will mean that any private plan changes seeking less density in and adjacent to City, Metropolitan, and Town centres can be rejected by the Council for not giving effect to the RPS, which will provide ongoing certainty for centres going forward.
13. I also note that Mr Jeffrey has not agreed to alter the chapeau of Policy 30 as sought in paragraph 6.10 (i) of my principal evidence. I seek that this is amended as the policy clearly deals with lower order centres (see Policy 30 (4)) rather than just regionally and locally significant centres.
14. For the reasons outlined above I seek the text changes included in Appendix 1 of my principal evidence. A consequential change in accordance with submission S158.037 will also be required to Objective 22(e) as this refers to local and regional centres. I believe this should instead refer to Town and Metropolitan Centres as follows:

Objective 22...

(e) built environments meet the health and wellbeing needs of all people, with multi-modal access between housing, jobs, community services, Metropolitan and Town local and regional centres, green space, and open space; and...

Policy 31

15. I agree with Ms Zolner that Policy 31 is important to give effect to Policy 3 and 5 of the NPS-UD (refer Para 165). However, I also believe that Policy 31 is important to give effect to Policy 1 by enabling an appropriate variety of homes and business, Policy 2 as additional height is critical to providing sufficient business and housing capacity, and a regional approach should be taken to achieve policy 10 which requires local authorities to work together.
16. I disagree with Ms Zolner's statement at Paragraph 168 and 169 that requiring *high density development* within and adjacent to Town Centres would be extrapolating significant direction from NPS-UD Policy 3 or the combined amendments sought to policies 30 and 31 would direct significant additional intensification which may then be inconsistent with district plans that have given effect to the NPS-UD and MDRS, and may undermine the significant work done to date on centres through Intensification Planning Instruments.

³ Requests can only be made to a district or regional plan not a RPS

17. As noted earlier, providing for a minimum of six storey development within, and within a “at least” a walkable catchment of, Town Centres (or their equivalent) is consistent with Council s42A recommendations and decisions released to date and the evidence provided in City and District hearings, particularly where Town Centres are differentiated between Larger and Smaller Urban Areas as proposed. I believe this also helps achieve NPS-UD policy 3 as the evidence shows that six storeys is commensurate with the level of commercial and community services provided in Larger Urban Area Town Centres. This approach will also help achieve wider NPS-UD policy direction outlined in paragraph 6.19 of my principal evidence. I also note that NPS-UD requires that the RPS and district plans enable certain densities and that the definition of plan enabled includes permitted, controlled, and restricted discretionary activities and that plans around the Wellington region typically permit six storey development and default to a restricted discretionary activity or “enable” heights greater than this in Larger Urban Area Town Centres.
18. Based on my principal evidence, the matters identified above, and the fact that NPS-UD Policy 3 requires six storey development within “at least’ a walkable catchment of, existing and planned rapid transit stops, the edge of city and metropolitan zones, and building heights commensurate with the level of commercial and community services within and adjacent to Town Centre Zones, I recommend the following change to Policy 31:
- Policy 31: Enabling intensification to contribute to well-functioning urban areas – district plans
- District plans shall include policies, rules and/or methods that enable intensification within urban areas where it contributes to a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form with well-functioning urban areas (as articulated in Policy UD.5) by:
- (a) For any tier 1 territorial authority, identifying a range of building heights and urban form densities to:
- (i) realise as much development capacity as possible in the city centre zones; and
- (ii) enable *high density development* within: Metropolitan Centre zones and Town Centre Zones in Larger urban areas; and any other locations, within at least a walkable catchment of:
1. existing and planned rapid transit; or
2. edge of city centre zones, ~~and~~ metropolitan centre zones and Town Centres in Larger urban areas; or
3. areas with a range of commercial activities and community services; and
- (iii) enable medium density development; and
- (iv) otherwise reflect the purpose of, and level of commercial activities and community services within, town, local and neighbourhood centres; and
- (b) For any other territorial authority not identified as a tier 1 territorial authority, identifying areas for greater building height and urban form densities:

- (i) within, and adjacent to Town Centre zones where appropriate; and
- (ii) where there is good access to existing or planned active and public transport and a range of commercial activities and community services; and/or
- (iii) to meet relative demand for housing and business use in that location.

Walkable Catchment Definition

19. At paragraph 185 Ms Zolner agrees that the definition should remove reference to “multiple destinations” but does not agree that reference to “otherwise identified by territorial authorities” should be removed as follows.

A walkable catchment is an area that an average person could walk from a specific point to get to multiple destinations. A walkable catchment generally consists of a maximum 20-minute average walk, or as otherwise identified-defined by territorial authorities in district plans.

20. While I agree with removing reference to “multiple destinations”, I do not agree to adding “identified by territorial authorities”. I understand the difficulty with having a minimum of 5 minutes in the definition because intensification within a lesser distance is also appropriate but the Policy 31 seeks *high density development* within a walkable catchment of various locations. NPS-UD Policy 3 says plans should enable “building heights of at least 6 storeys within **at least** a walkable catchment” of various areas. By including “at least” five minutes in the definition it is clear that the walkable catchment needs to be “at least five minutes”, i.e. 6 storey development within three minutes would be appropriate but the walkable catchment needs to be at least five minutes. As noted in my principal evidence, 5 minutes is typically the minimum catchment applied by Tier 1 Councils around centres and the Rapid Transit Network. Accordingly, the definition should be amended as follows:

A walkable catchment generally consists of at least a five minute and a maximum 20-minute average walk.

21. I propose removing reference to territorial authorities because the words “or as otherwise identified by territorial authorities” is redundant given that Councils are required to give, and have given, effect to the RPS in their district plans and “identified by territorial authorities” is open to interpretation. For example, the Council could identify this in a strategy, the LTP, a Design Guide, an activity management plan etc that is potentially not a public process.

Policy 57

22. Paragraph 53 – I agree with Mr Jeffreys that Policy 57(e) should refer to the Rapid Transport Network and the Johnsonville Rail line would be covered by this general description. Both the Regional Council and the reporting planner have confirmed that this is the case in the WCC hearings. The purpose of including the reference to the Johnsonville line in the RPS was so that this matter would be beyond dispute in the future as District Plan decisions will need to “give effect to” the Operative RPS in accordance with s75(3)(c).

23. I also note the supplementary evidence provided by Mr Jeffreys that recommends inclusion of “well-designed” to Policy 57(g). I support this wording as it is appropriate to have well-designed multi modal transport networks.

Conclusion

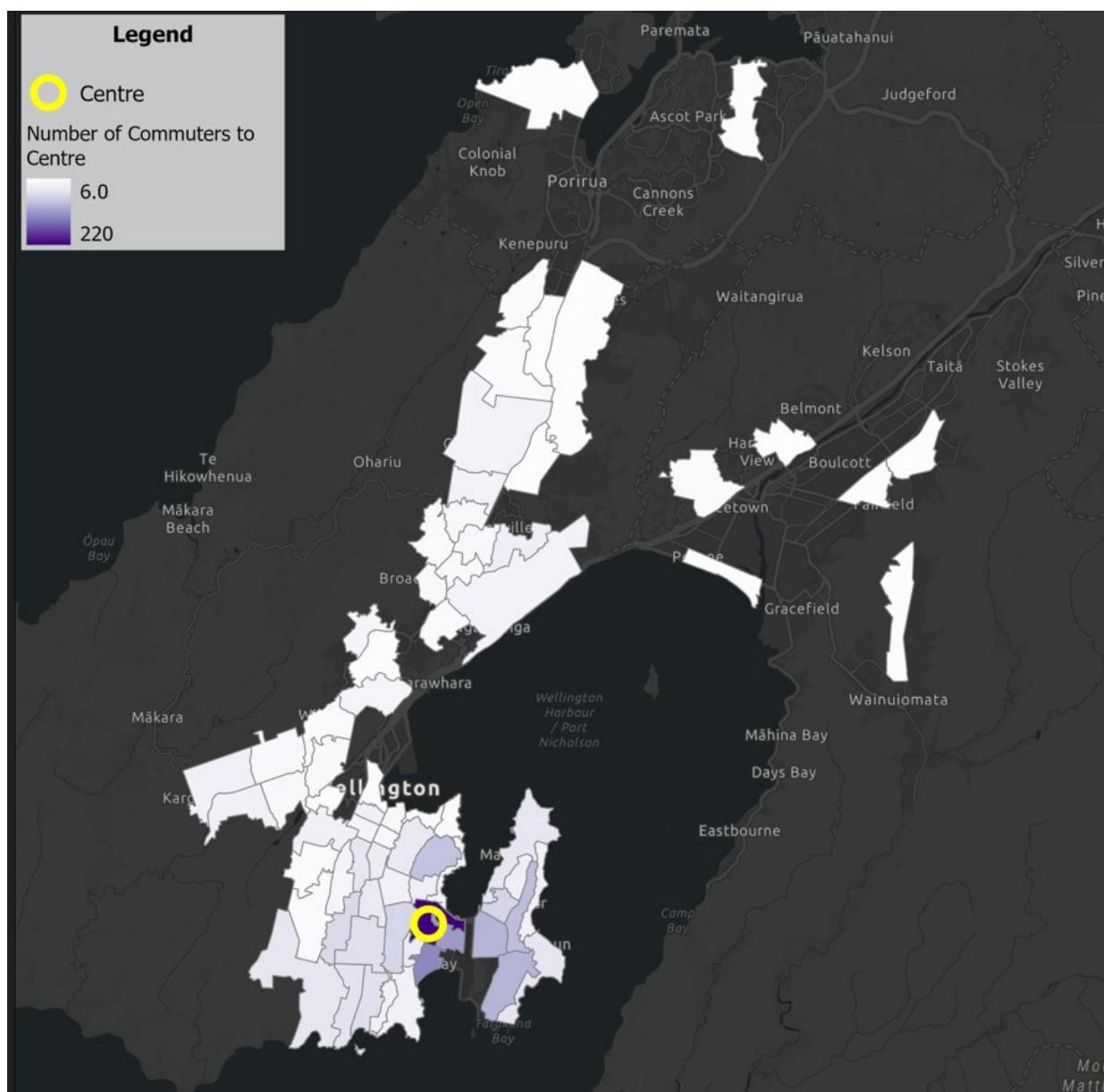
24. In conclusion, I am of the opinion that the amendments sought by Kāinga Ora (as provided in my evidence and outlined above) are appropriate and will assist in improving the consistency, usability and interpretation of provisions with the PC1 and the wider RPS. This will include how provisions are interpreted by both plan users and Councils within the Wellington region and nationally.

25. In accordance with section 32AA of the RMA, I consider that the amendments to the provisions are the most appropriate means of achieving the RMA.

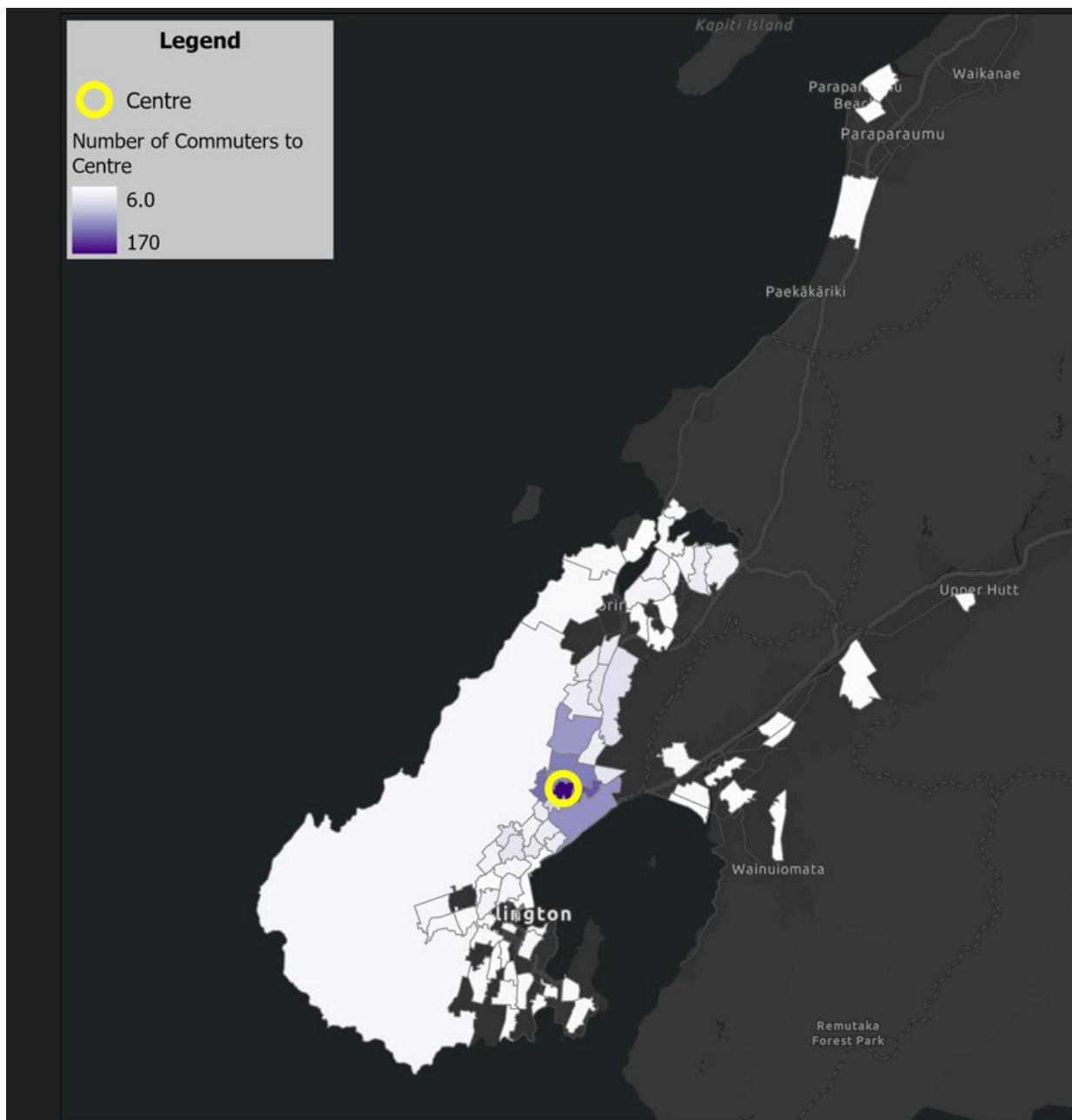
26. Overall, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (including proposed changes to objectives), relevant objectives of the RPS and other relevant statutory documents.

Appendix 1

Kilbirnie



Johnsonville



Appendix 2

