

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS
AT WELLINGTON**

I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE WHANGANUI-A-TARA

UNDER the Resource Management Act 1991 (**RMA**)

IN THE MATTER of the hearing of submissions on Te Manahere ā-Rohei
Tutohua the Wellington City Proposed District Plan
(**WCPDP**)

**MEMORANDUM OF COUNSEL FOR KĀINGA ORA – HOMES AND
COMMUNITIES (SUBMITTER 391; FURTHER SUBMITTER 89)
In response to Minute 28 and Minute 32**

18 August 2023

BUDDLE FINDLAY

Barristers and Solicitors
Auckland

Solicitor Acting: **Jennifer Caldwell / Natalie Summerfield**
Email: jennifer.caldwell@buddlefindlay.com / natalie.summerfield@buddlefindlay.com
Tel 64 9 358 2555 Fax 64 9 358 2055 PO Box 1433 DX CP24024 Auckland 1010

MAY IT PLEASE THE COMMISSIONERS

1. INTRODUCTION

- 1.1 Counsel refers to Minute 28 dated 28 July 2023 and Minute 32 dated 14 August 2023 issued by the Panel in relation to the Viewshafts chapter and its application in the Proposed Wellington City District Plan (**PDP**).
- 1.2 To assist with this memorandum, Kāinga Ora-Homes and Communities (**Kāinga Ora**) has reviewed the following additional materials:
- (a) The opinion of Mr James Winchester date 27 July 2023, attached to Minute 28;
 - (b) The Viewshafts chapter in the PDP as notified and the supporting section 32 report.
- 1.3 This memorandum is seeking direction on further mapping from the Council in relation to Viewshaft 18.

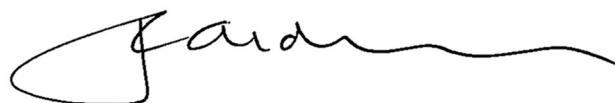
2. MATTERS AGREED BY KAINGA ORA

- 2.1 Overall, Kāinga Ora agrees with the conclusions reached by Mr Winchester in his opinion. The material differences in the Viewshafts rules in the Operative District Plan (**ODP**) and the new chapter in PDP were unappreciated during both the submissions period and Hearing Stream 3.
- 2.2 Kāinga Ora supports the approach taken by the Panel in relation to Viewshafts, and accepts the extension that has been granted to the Council to provide its response to Minute 28.
- 2.3 It is acknowledged by Kāinga Ora that the rollover of the Viewshaft provisions is a complex exercise. Kāinga Ora hopes that with the extension, the Council's response will go some way toward assisting the Panel and other interested stakeholders in understanding the impact of the Viewshaft rules and the extent of the Viewshaft application in the PDP.

3. MAPPING OF VIEWSHAFT 18

- 3.1 Kāinga Ora notes that while all other viewshafts have now been mapped and can be seen in the PDP online maps, Viewshaft 18 remains unmapped. Kāinga Ora considers it is important that the extent of all viewshafts be mapped in order to ascertain the full impact of the viewshafts.
- 3.2 Kāinga Ora is concerned that Viewshaft 18 may impact on Council's ability to meet its development capacity requirements under the NPS-UD and the Amendment Act. However, unless this is in the PDP maps, it is not possible to understand the potential restrictions that Viewshaft 18 may have upon development otherwise enabled by the underlying zone.
- 3.3 In light of this, Kāinga Ora seeks that the Council be directed by the Panel to map Viewshaft 18, to be provided with its response to Minute 28, by 13 September 2023. Further, Kāinga Ora considers it important that the Council outlines any development capacity constraints that the Viewshaft may have.
- 3.4 Kāinga Ora seeks an opportunity to respond to any further information that the Council provides in relation to Viewshaft 18.

Dated 18 August 2023



Jennifer Caldwell
Counsel for Kāinga Ora – Homes and
Communities