

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

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE
O TE WHANGANUI-A-TARA**

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

IN THE MATTER of the hearing of submissions on Te Manhere ā-Rohei
Tūtohua the Wellington City Proposed District Plan

HEARING TOPIC **Stream 1 – Strategic Direction**

**LEGAL SUBMISSIONS ON BEHALF OF KĀINGA ORA - HOMES
AND COMMUNITIES**

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MAY IT PLEASE THE COMMISSIONERS

1. INTRODUCTION

1.1 These submissions and the evidence to be called are presented on behalf of Kāinga Ora - Homes and Communities (**Kāinga Ora**) in relation to Te Manhere ā-Rohei Tūtohua the Wellington City Proposed District Plan (**PDP**). This includes:

- (a) The Intensification Planning Instrument (**IPi**) which has been notified in accordance with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Amendment Act**). The Amendment Act requires the introduction, through the intensification streamlined planning process (**ISPP**) of:
 - (i) The planning provisions required through the objectives and policies of the National Policy Statement for Urban Development (**NPS-UD**) that deliver well-functioning urban environments that can change over time; and
 - (ii) The medium density residential standards (**MDRS**) specified in the Amendment Act; and
- (b) The traditional plan review process in accordance with the First Schedule of the RMA.

1.2 Kāinga Ora is a participant in various ISPP across the country, designed to give effect to national policy direction on urban development. The extent and tenor of Kāinga Ora participation in these processes reflects its commitment both to achieving its statutory mandate and to supporting territorial local authorities to take a strategic and enabling approach to the provision of housing and the establishment of sustainable, inclusive and thriving communities.

1.3 Kāinga Ora and its predecessor agencies have a long history of building homes and creating sustainable, inclusive and thriving communities and it remains the holder and manager of a significant portfolio of Crown housing assets. More recently, however, the breadth of the Kāinga Ora development mandate has expanded and enhanced with a range of powers and functions under both the Kāinga Ora – Homes and Communities Act 2019 and the Urban Development Act 2020.

- 1.4 The detailed submissions lodged by Kāinga Ora in the PDP are intended to:
- (a) support local authorities in their implementation of national policy direction;
 - (b) encourage councils to utilise the important opportunity provided by ISPP to enable much-needed housing development utilising a place-based approach that respects the diverse and unique needs, priorities, and values of local communities; and
 - (c) optimise the ability of updated district plans to support both Kāinga Ora and the wider development community to achieve government housing objectives within those communities experiencing growth pressure or historic underinvestment in housing.
- 1.5 Kāinga Ora acknowledges the directive and compressed timeframes within which councils have been required to prepare and promulgate the intensification plan changes, particularly where preparation of NPS-UD related growth plan changes was already well-advanced or where district plans themselves were in the middle of full review processes (as in Wellington).
- 1.6 The Kāinga Ora submissions seek to promote the vision of growth, the establishment of future urban communities and housing provision, along with the enablement of infrastructure integration as envisaged in the Amendment Act, while also creating and supporting healthy, vibrant communities. In that regard Kāinga Ora can offer a valuable national perspective to facilitate cross-boundary consistency to the implementation of the Amendment Act.
- 1.7 These legal submissions will:
- (a) briefly summarise the statutory framework within which Kāinga Ora operates;
 - (b) comment on the statutory assessment required to be undertaken by the Hearings Panel;

- (c) confirm any submission points that have been resolved to the satisfaction of Kāinga Ora by recommendations made in the section 42A report;
- (d) identify and discuss issues arising from Kāinga Ora submission points that remain in contention following the council's section 42A report, including specific legal commentary on those issues; and
- (e) introduce the Kāinga Ora witnesses for this hearing.

2. KĀINGA ORA AND ITS STATUTORY MANDATE

- 2.1 The corporate evidence of Mr Liggett sets out the key statutory provisions from which Kāinga Ora derives its mandate. In short, Kāinga Ora was formed in 2019 as a statutory entity under the Kāinga Ora-Homes and Communities Act 2019, which brought together Housing New Zealand Corporation, HLC (2017) Ltd and parts of the KiwiBuild Unit.
- 2.2 As the Government's delivery agency for housing and urban development, Kāinga Ora works across the entire housing development spectrum with a focus on contributing to sustainable, inclusive and thriving communities that enable New Zealanders from all backgrounds to have similar opportunities in life.¹ It has two distinct roles: the provision of housing to those who need it, including urban development, and the ongoing management and maintenance of the housing portfolio.
- 2.3 In relation to urban development, there are specific functions set out in the Kāinga Ora – Homes and Communities Act 2019. These include:
- (a) *to initiate, facilitate, or undertake any urban development, whether on its own account, in partnership, or on behalf of other persons, including:*
 - (i) *development of housing, including public housing and community housing, affordable housing, homes for first-home buyers, and market housing;*³

¹ Kāinga Ora – Homes and Communities Act 2019, section 12

² Section 13(1)(f).

³ Section 13(1)(f)(i).

- (ii) **development and renewal of urban developments, whether or not this includes housing development;**⁴
 - (iii) *development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services or works;*⁵
- (b) **to provide a leadership or co-ordination role in relation to urban development, including by-**⁶
- (i) *supporting innovation, capability, and scale within the wider urban development and construction sectors;*⁷
 - (ii) **leading and promoting good urban design and efficient, integrated, mixed-use urban development;**⁸
- (c) **to understand, support, and enable the aspirations of communities in relation to urban development;**⁹
- (d) *to understand, support, and enable the aspirations of Māori in relation to urban development.*¹⁰
- (our emphasis)

2.4 Kāinga Ora participation in the ISPP and the wider Proposed Wellington District Plan is clearly aligned with these functions.

2.5 Further, Kāinga Ora considers that the compact urban form promoted by the Amendment Act and to be implemented through the ISPP is clearly aligned with its functions:

- (a) A compact urban form enables residents to live closer to places of employment, education, healthcare, and services such as retail. This reduces the need for travel and supports the use of public transport and active transport modes.
- (b) The intensification around centres promoted by Policy 3 of the NPD-UD further supports those outcomes while enabling the

⁴ Section 13(1)(f)(ii).

⁵ Section 13(1)(f)(iii).

⁶ Section 13(1)(g).

⁷ Section 13(1)(g)(i).

⁸ Section 13(1)(g)(ii).

⁹ Section 13(1)(h).

¹⁰ Section 13(1)(i).

centres to increase in scale, economic activity and viability, diversity of economic, social and cultural activities, and vibrancy;

- (c) A compact urban form enables the sharing of key infrastructure such as urban roading, three water networks and reduces the marginal cost of construction for such infrastructure;
- (d) Intensification, particularly through multi-storey development, reduces the total extent of impermeable surfaces (having regard to roading as well as building coverage) and, consequently, reduces the total stormwater runoff from urban development; and
- (e) That enables an urban form that, overall, is more efficient, connected and supportive of residents while reducing or avoiding the adverse effects and inefficiencies that can arise from less compact forms of development.

2.6 In recent years, Kāinga Ora has had a particular focus on redeveloping its existing landholdings, using these sites more efficiently and effectively so as to improve the quality and quantity of public and affordable housing available for those most in need of it. A good example is the redevelopment of older housing stock at the Arlington Street Development where Kāinga Ora is developing 301 new homes (152 one-bedroom; 105 two-bedroom; 34 three-bedroom; 8 four-bedroom and 2 five bedroom) in 16 mixed apartment, unit and terrace buildings from 2-6 storeys high. The project will provide public housing, including 40 supporting housing homes and replaces 212 Council homes including the earthquake-prone George Porter Tower. The Arlington Street development includes community spaces, parks, play areas, gardens and extensive landscaping.¹¹

2.7 Successful developments of this nature, as well as the more standard housing developments undertaken by Kāinga Ora throughout New Zealand, are greatly supported and enabled by district plans that recognise the need for them and that provide an appropriate objectives, policies and rules framework that allows for an efficient and cost-effective approval process.

2.8 The direction contained in the NPS-UD (coupled with the requirements of the Amendment Act) provides an opportunity to address that issue for

¹¹ [Arlington Street :: Kāinga Ora – Homes and Communities \(kaingaora.govt.nz\)](https://www.kaingaora.govt.nz/development/development-projects/arlington-street).

the future. Kāinga Ora submissions have therefore focused on critical drivers of successful urban development including density, height, proximity to transport and other infrastructure services and social amenities, as well as those factors that can constrain development in areas that need it, either now or as growth forecasts may project.

- 2.9 If these planning frameworks are sufficiently well crafted, benefits will flow to the wider development community. With the evolution of the Kāinga Ora mandate, via the 2019 establishing legislation and the Urban Development Act in 2020, the government is increasingly looking to Kāinga Ora to build partnerships and collaborate with others in order to deliver on housing and urban development objectives. This will include partnering with private developers, iwi, Māori landowners, and community housing providers to enable and catalyse efficient delivery of outcomes, using new powers to leverage private, public and third sector capital and capacity. Local government also has a critical role to play.

3. STATUTORY ASSESSMENT MATTERS

- 3.1 These submissions do not set out the detail of the statutory assessment framework applicable to the Hearing Panel's decision-making role. Kāinga Ora agrees with description of that framework set out in the section 42A report.
- 3.2 Material provided by the Council in support of the PDP as notified includes evaluation reports prepared to address the matters in sections 32 and 32AA. It is worth reiterating the key legal principles that apply to those evaluation reports:
- (a) evaluating whether an objective is the most appropriate requires a value judgment as to what, on balance, is the most appropriate when measured against the relevant purpose;¹²
 - (b) 'most appropriate' does not mean 'superior';¹³
 - (c) relevant objectives should not be looked at in isolation, because it may be through their interrelationship and interaction that the purpose of the RMA is able to be achieved;¹⁴ and

¹² *Rational Transport Soc Inc v New Zealand Transport Agency* [2012] NZRMA 298 at [45].

¹³ At [45].

¹⁴ At [46].

- (d) the nub of the test under s 32(1)(b)(ii) is the relative efficiency and effectiveness of the options being considered:
- (i) effectiveness "assesses the contribution new provisions make towards achieving the objective, and how successful they are likely to be in solving the problem they were designed to address."¹⁵
- (ii) efficiency has been described as follows:¹⁶

Efficiency measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of society. The assessment of efficiency under the RMA involves the inclusion of a broad range of costs and benefits, many intangible and non-monetary.

There have been differing views of how efficiency should be interpreted. In one case an approach based on a strict economic theory of efficiency was taken. A more holistic approach was adopted in another case. Referring to those two cases, the High Court stated that:

"The issue of whether s32 requires a strict economy theory of efficiency or a more holistic approach was raised before Woodhouse J in Contact Energy Limited versus Waikato Regional Council [2011] NZEnvC 380...while economic evidence can be useful, a s32 evaluation requires a wider exercise of judgment. This reflects that it is simply not possible to express some benefits or costs in economic terms ... in this situation it is necessary for the consent authority to weigh market and non-market impacts as part of its broad overall judgment under Part 2 of the RMA."

- 3.3 The section 32 Report refers to the "Planning for Growth District Plan Review Issues and Options – Centres" Report, 2019. As outlined by Mr Cullen and Mr Heale, this document is not publicly available. Kāinga Ora respectfully asks the Hearing Panel to direct the Council to make this report publicly available for all submitters to review, and that the Hearing Panel is provided a copy to assist it with making any recommendations on the PDP.

Role of objectives and policies

- 3.4 A key area of focus for Kāinga Ora has been on ensuring that the objectives and policies introduced in the PDP process provide the most appropriate and efficient framework for the incorporation of the NPS-UD

¹⁵ Ministry for the Environment "A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Legislation Amendment Act 2017" (2017) Wellington: Ministry for the Environment at 18.

¹⁶ At 18.

and MDRS within the district plan and appropriately give effect to the NPS-UD and MDRS provisions, and more generally the RMA. The Kāinga Ora submission points place particular emphasis on the importance of precise and consistent wording in the objectives and policies, particularly those framed expressly as "strategic" objectives.

- 3.5 The Environment Court has given specific attention to the role of strategic objectives in district plans on a number of occasions. On an appeal related to the proposed Queenstown Lakes District Plan the Environment Court considered the role that the strategic objectives should play in a plan. The Court determined:
- (a) strategic objectives are intended to have ongoing interface with the entirety of a plan and such it was important strategic provisions were "*coherent and integrated and clear in its intentions to the ordinary reader.*";¹⁷
 - (b) use of the word 'strategic' in the name of the chapter connotes "*something reflecting a long term plan or aim to achieve a specific purpose*". In the RMA context this pertains to long term sustainable management priorities;¹⁸
 - (c) strategic objectives are intended to be applied "in tandem" with other objectives and policies but some strategic objectives will be more directive than others.¹⁹ A recent example of this is section 77(G)(7) of the RMA, introduced by the Amendment Act, which provides that provisions within a district plan allowing the same or greater level of development than the MDRS do not need to be amended or removed from the district plan;²⁰ and
 - (d) sections 75 and 32 of the RMA do not preclude a plan expressly creating priorities and relationships between objectives and policies such that a hierarchy is created.²¹
- 3.6 As outlined by Mr Heale, Kāinga Ora consider a number of amendments are required to the Strategic Objectives to ensure greater alignment with the national and regional direction, and to give effect to the purpose,

¹⁷ *Darby Planning Limited Partnership v Queenstown Lakes District Council* [2019] NZEnvC 133 at [75].

¹⁸ *Darby Planning Limited Partnership v Queenstown Lakes District Council*, Minute dated 22 February 2019 at [7].

¹⁹ At [13].

²⁰ Resource Management Act 1991, section 77G(7).

²¹ *Darby Planning Limited Partnership v Queenstown Lakes District Council*, above n 45, at [11].

principle, and provisions of the RMA including the changes from the Amendment Act.

- 3.7 While the key amendments are discussed in these legal submissions, a comprehensive summary of the amendments required to the Strategic Objectives will be provided by Mr Heale.

4. KĀINGA ORA SUBMISSIONS

- 4.1 This hearing relates to Hearing Stream 1 – Strategic Direction.

- 4.2 This hearing topic is of particular importance to Kāinga Ora because:

- (a) There is a need to ensure the PDP is consistent with the national and regional policy and planning requirements, including the implementation of the NPS-UD and the Amendment Act; and
- (b) Amendments to the Strategic Objectives for the PDP will set the "tone" for any amendments required for subsequent hearings, in particular the residential, centres and general district wide matter hearings.

5. SUBMISSION POINTS RESOLVED AND KĀINGA ORA CHANGES IN POSITION

- 5.1 A summary table of the Kāinga Ora submissions relevant to this hearing and the final Kāinga Ora position on those submission points is attached at **Appendix A**.

- 5.2 The following matters that are now agreed following the section 42A report recommendations are of particular importance to Kāinga Ora:

- (a) Rapid transit stops on the Johnsonville Rail Line should qualify as rapid transit in line with regional transport plans and the regional growth framework;
- (b) The inclusion of the proposed definitions for "Rapid Transit" and "Rapid Transit Stop" to aid plan users and ensure consistent application of these terms over the life of the PDP;
- (c) The exclusion of a proposed definition for the term "Qualifying Matter" as this term is already defined by the NPS-UD and the Amendment Act; and

- (d) Qualifying matters should not include character, rail corridors, sunshine and privacy.

5.3 As noted in the memorandum of counsel filed on 15 February 2023, for the allocation of provisions in the ISPP and First Schedule workstreams, Kāinga Ora will abide by the decision of the Hearings Panel.

6. KĀINGA ORA SUBMISSION POINTS IN CONTENTION

6.1 Following review of the Council's section 42A report and the evidence lodged by other submitters, Kāinga Ora considers the following submission points remain unresolved from its perspective, and these will be the focus of the evidence that follows:

- (a) The need for the PDP to include a Town Centre zone in the Centres hierarchy;
- (b) The appropriate application of walkable catchments, including:
 - (i) The extension and application of various walkable catchments;
 - (ii) Whether the proposed "walking catchment" definition is appropriate;
- (c) Disagreement on amendments to key strategic objectives; and
- (d) The deletion of the definition for Reverse Sensitivity, together with Assisted Housing and Multi-Unit Housing.

INCLUSION OF THE TOWN CENTRE ZONE INTO THE CENTRES HIERARCHY

6.2 The notified version of the PDP did not include a Town Centres zone in the centres hierarchy,²² representing a shift from the Operative District Plan.²³

6.3 Kāinga Ora sought the inclusion of a Town Centre Zone into the centres hierarchy in the PDP.²⁴ In addition to providing a proposed Town Centre

²² The PDP proposes the following centres hierarchy: City Centre; Metropolitan; Local Centres; and Neighbourhood Centres.

²³ The Operative District Plan included the following centres hierarchy: City Centre; Regionally Significant Centres – Suburban Centres; Town Centres; District Centres; and Neighbourhood Centres.

²⁴ Submission 391.52 and 391.53.

Zone chapter with its submission,²⁵ Kāinga Ora considers a number of amendments to the PDP were required to include the Town Centre zone into the centres hierarchy:

- (a) Amendments to the Strategic Objective CEKP-O2, which sets out the City's centres hierarchy, to include amendments:
 - (i) to detail the role and functions of Town Centres; and
 - (ii) to change the role and functions of Local Centres to recognise the key distinctions between these two zones;²⁶
- (b) Inclusion of walkable catchments for the areas zoned as Town Centres (as discussed further below).

6.4 The reporting officer opposed the inclusion of the Town Centre Zone in the centres hierarchy on the basis that the Council has applied a 'simplified hierarchy' where a hybrid of the Local Centre and Town Centre Zone has been applied as "an additional zone would result in unnecessary supplication of content".²⁷ The reporting officer also opposed the Kāinga Ora proposed amendments to objective CEKP-O2, and the inclusion of the walkable catchments for the Town Centre areas that Kāinga Ora considers necessary.

6.5 Kāinga Ora considers that this simplified approach by the Council is not appropriate for Wellington given the clear national and regional direction for intensification. Instead, a more robust analysis of the centres hierarchy and its application to the Wellington area is required to ensure a well-functioning urban environment is achieved across the city, ultimately to ensure that the PDP is consistent with the NPS-UD, particularly Objective 1, Policy 1 and Policy 6.

The need for a Town Centre zone for Wellington

6.6 As a starting point, Kāinga Ora strongly disagrees with the reporting officer's position that there is little to no difference between the Town Centre zone and the Local Centre zone to justify separate zones within the centres hierarchy.

²⁵ See Appendix 2 of the Kāinga Ora primary submission.

²⁶ For detail on the proposed amendments to CEKP-O2, see Appendix A of these submissions, or paragraph 4.41 of Mr Heale's evidence.

²⁷ See paragraph 874 of the section 42A report.

- 6.7 There are clear distinctions between the functionality of the Town Centre zone when compared to those of the Local Centres zone such that there is justification for the inclusion of both zones into the Wellington centre's hierarchy. As clearly outlined by Mr Heale,²⁸ these functionality differences include the types of activities enabled and provided, the catchment that the zone serves, the nature of the transportation accessibility and ultimately the nature of the residential density supported.
- 6.8 In short, a Town Centre provides more activities, to a wider catchment, with greater accessibility and therefore supports greater residential density and growth.
- 6.9 The Kāinga Ora experts have clearly established the need for a Town Centre zone within the Wellington centres hierarchy, as the inclusion of the zone will:
- (a) Create a more sustainable hierarchy for all centres in Wellington;²⁹ and which will in turn
 - (b) Provide a greater opportunity for residential intensification, and provide greater opportunities for employment and services to support the residential growth opportunities around the Town Centre area.³⁰
- 6.10 It is submitted that there are clear benefits for providing a Town Centres zone in the PDP to help support the anticipated residential growth from applying the NPS-UD and the MDRS across Wellington. However, the inclusion of a Town Centre zone in the centres hierarchy will also ensure that the PDP:
- (a) Is consistent with national and regional policy and planning frameworks;³¹ and
 - (b) Appropriately considered the application of the technical reports and other data that helped shaped the PDP, particularly the application of the Town Centre zone to the Tawa, Miramar and Newtown centre areas.

²⁸ See statement of evidence for Matt Heale, 7 February 2023, Table 2, page 22.

²⁹ See statement of evidence for Mike Cullen, 7 February 2023, paragraph 6.5.

³⁰ See statement of evidence for Nick Rae, 7 February 2023, paragraph 4.1.

³¹ See statement of evidence for Matt Heale, 7 February 2023, paragraphs 4.45 to 4.61.

- 6.11 The PDP is required to give effect to (of relevance):
- (a) Any national policy statement,³² such as the NPS-UD;
 - (b) The National Planning Standards,³³ and
 - (c) Any regional policy statement.³⁴
- 6.12 There is a real question to be determined about whether the notified version of the PDP meets the requirements of section 75(3) of the RMA. As outlined by Mr Heale, without the inclusion of the Town Centre zone into the centres hierarchy, the PDP:
- (a) Will not give effect to the NPS-UD, as it will fail to implement the overall objective of providing for well-functioning urban environments, and as a result will not achieve Objectives 1, 2, and 3, Policies 1, 2 and 3, and section 3.37;
 - (b) Will not give effect to the National Planning Standards as the hybrid Local Centre zoned proposed by the Council is inconsistent with the zone descriptions provided by Standard 8,³⁵ leading to confusion for plan users; and
 - (c) Will not give effect to the Wellington Regional Policy Statement, particularly given Plan Change 1 to the RPS introduces a number of changes to Objective 22 and policies such as Policies 30 and 31 which provide a more directive framework for achieving a well-functioning urban environment.³⁶
- 6.13 The inclusion of the Town Centre zone into the centres hierarchy will ensure the PDP gives effect to its higher order documents, and will ultimately provide for a planning framework that enables a range of building heights and density for the future.
- Town Centres in the Wellington centres hierarchy is widely supported - Miramar, Tawa and Newtown*
- 6.14 In addition to seeking the inclusion of a Town Centres zone, Kāinga Ora considers the new zone should apply to the notified Local Centres of

³² Section 75(3)(a) of the RMA.

³³ Section 75(3)(ba) of the RMA.

³⁴ Section 75(3)(c) of the RMA.

³⁵ Statement of evidence for Matt Heale, 7 February 2023, paras 4.51 to 4.54.

³⁶ Statement of evidence for Matt Heale, 7 February 2023, para 4.55 to 4.58.

Miramar, Tawa and Newtown for their role and function within the Wellington City.³⁷

6.15 It is clear from the Kāinga Ora experts that the functionality of Miramar, Tawa and Newtown are distinct from the other areas zoned as Local Centres in the PDP for the following reasons:

- (a) Retail spending data demonstrates the three centres support a broader residential catchment than just the local residential area;³⁸
- (b) The three centres have more commercial and community assets than the other notified Local Centre zoned areas, and a more diverse employment base;³⁹
- (c) Miramar, Newtown and Tawa have a more suburban than residential catchment when compared to other smaller local centres such as Karori;⁴⁰
- (d) The density enablers for Tawa and Miramar support a Town Centre zoning, including:⁴¹
 - (i) good existing centres;
 - (ii) strong supermarkets; employment centres; primary and intermediate schools; and
 - (iii) strong to good transport solutions including strong rail stations for Tawa; strong arterial with high frequency transit for Miramar and good bus networks for both areas
- (e) The three suburbs have been traditionally identified and treated as Town Centres, including in the Operative District Plan. The 'demotion' of zoning to Local Centres in the PDP does not support a sustainable centres hierarchy;
- (f) The scale and function of Miramar, Newtown and Tawa support the Town Centre zoning, which in turn will appropriately respond to the policy direction in the NPS-UD for the need to develop

³⁷ It is noted that Kāinga Ora considers the extent of the Miramar, Tawa and Newtown Town Centre zoned area should also be extended, which will be addressed at Hearing Stream 4.

³⁸ Statement of evidence for Mike Cullen, 7 February 2023, paragraph 5.4(a).

³⁹ Statement of evidence for Mike Cullen, 7 February 2023, paragraph 5.4(b) and (c).

⁴⁰ Statement of evidence for Matt Heale, 7 February 2023, para 4.64.

⁴¹ For more information see the Wellington Outer Suburbs Assessment and Evaluation, March 2020, [introduction.pdf \(wellington.govt.nz\)](#).

compact, well-functioning urban environments, and to explicitly give effect to Objective 3 of the NPS-UD.⁴²

7. APPLICATION OF WALKABLE CATCHMENTS

7.1 By way of overview, the PDP applied walkable catchments to the following:⁴³

- (a) 5 minutes from: Linden, Renwood, Takapu Road, and Ngarunga Rail Stations; and
- (b) 10 minutes from: Kenepuru, Tawa, and Wellington Rail stations, Johnsonville Metropolitan Centres Zone and the City Centre Zone.

7.2 Kāinga Ora supported⁴⁴ the inclusion of walkable catchments as a concept into the PDP, but sought that these catchments be extended in a number of locations:

High Density Residential Zone:

- (a) 15-20 minutes/1500m from the edge of the City Centre;
- (b) 15 minutes/800m from the edge of the Metropolitan Centres zone and from existing and planned rapid transit stops, including the Johnsonville Line; and
- (c) 10 minutes/800m from Town Centre Zones.

Medium Density Residential Zone up to 5 storeys:

- (a) 5 minutes/400m from Local Centre Zones.

7.3 While the reporting officer has recommended some changes to the proposed walkable catchments,⁴⁵ including the inclusion of the Johnsonville Line as rapid transit (which Kāinga Ora supports), there remain some differences. Kāinga Ora still seeks the following:

- (a) 10 minutes for all rapid transit stops for the Kapiti and Johnsonville Lines (Johnsonville to Crofton Downs);

⁴² Statement of evidence for Nick Rae, 7 February 2023, para 4.2.

⁴³ See paragraph 212 of the section 42A report.

⁴⁴ Submission 391.38.

⁴⁵ See paragraph 389 of the section 42A report.

- (b) 10 minutes from the edge of Tawa, Newtown and Miramar (as Town Centre zone areas); and
 - (c) 20 minutes from the edge of the City Centre Zone.
- 7.4 Kāinga Ora considers the extension of walkable catchments to the areas listed above is required in order to ensure that:

- (a) There is better alignment with the NPS-UD, which will also better reflect the changes that Kāinga Ora seeks to achieve in providing for well-functioning urban environments that are responsive to the local and regional context;
- (b) The PDP is focussed on future projected growth, rather than solely focussed on existing quality of places. A focus on both the existing and future role and function of a centre will generally support the walkable catchments sought by Kāinga Ora;⁴⁶ and
- (c) The proposed walkable catchments are "ground-truthed", based on walking speeds, topography and future growth.

Different walkable catchment methodology has led to different outcomes

- 7.5 Overall, Kāinga Ora considers the walkable catchment methodology applied by the Council is too simplistic and does not provide for future growth of the City due to its limiting nature.⁴⁷ There are a number of reasons why the Council and Kāinga Ora consider different walkable catchments are required for the PDP:

- (a) The Council has applied a 5 minute walking catchment from rapid transit train stops as a starting position, which it has then increased to 10 minute walking catchments based on an assessment of existing key features of a surrounding catchment. It is submitted that this approach is inappropriate because:
 - (i) It is internationally accepted that a 800m/10 minute walkable catchment is the minimum standard for train stations;⁴⁸

⁴⁶ Statement of evidence for Nick Rae, 7 February 2023, paragraph 1.13.

⁴⁷ Statement of evidence for Nick Rae, 7 February 2023, paragraph 1.10.

⁴⁸ Statement of evidence for Mike Cullen, 7 February 2023, paragraph 7.1.

- (ii) A 800m/10 minute walkable catchment from train stations should be considered as an average, not a maximum,⁴⁹ and
 - (iii) The application of a 5 minute walkable catchment at rail stations will limit future investment of the rapid transit line, and restrict future surrounding growth.⁵⁰
- (b) The Council has applied a slower average walking speed, which ultimately reduces the extent of a walkable catchment;⁵¹
 - (c) The Council has applied different methodologies to walkable catchments for centres compared to rapid transit. As a result, the methodology applied to rapid transit stops has produced reduced walkable catchments which fails to give effect to Policy 3(c) of the NPS-UD and does not recognise the role and function of centres;
 - (d) The Council approach fails to appropriately consider existing data which shows people are already walking at least 1500m to access the City Central zone and 800m to access the Town Centre zone areas that Kāinga Ora seeks;⁵² and
 - (e) The Council has failed to provide for additional intensification in the Medium Density residential Zone around a walkable catchment for the Local Centre Zones. It is submitted that providing additional intensification and heights within a walkable catchments for this zone would provide for intensification in accordance with Policy 3(d) of the NPS-UD and a distinction to the built form outcomes of lower order centres, such as Neighbourhood Centres, and higher order centres, such as Town Centres. As outlined by Mr Heale, this approach would future proof the PDP and ensure the PDP is consistent with Objective 1, Policy 1, 2, and 3 of the NPS-UD.⁵³

⁴⁹ Statement of evidence for Mike Cullen, 7 February 2023, paragraph 7.2.

⁵⁰ Statement of evidence for Mike Cullen, 7 February 2023, paragraph 7.12-7.16.

⁵¹ Statement of evidence for Nick Rae, 7 February 2023, section 8.

⁵² Statement of evidence for Matt Heale, 7 February 2023, paragraph 4.26.

⁵³ Statement of evidence for Matt Heale, 7 February 2023, paragraph 4.30.

Proposed definition for "walking catchments"

- 7.6 The reporting officer has proposed a definition for the term "walking catchment", which essentially crystalises the Council's limited methodology for the application of future walkable catchments.
- 7.7 Kāinga Ora is concerned that applying a slightly different term to walkable catchments is misleading. Further, as outlined by Mr Heale, application of the 'walking catchment' terms limits the opportunity of the PDP to fulfil its ongoing obligation to provide for a well-functioning urban environment in the future.
- 7.8 Mr Heale considers that it would be more appropriate for walkable catchments to be guided by policy, rather than a defined term, suggesting amendment HRZ-P6 and MRZ-P6.⁵⁴ Kāinga Ora supports this approach.

8. AMENDMENTS TO KEY STRATEGIC OBJECTIVES

- 8.1 Kāinga Ora has sought amendments to a number of Strategic Objectives to ensure the PDP better aligns with the NPS-UD and the requirements of the Amendment Act.
- 8.2 The Kāinga Ora seeks changes to the Urban Form and Development Objectives⁵⁵ to ensure the PDP will enable:
- (a) future growth across the city, rather than seeking to limit or cap this needed growth;
 - (b) sufficient zoned land where it is feasible for future intensification to occur; and
 - (c) residential development that is not restricted to particular typologies.⁵⁶
- 8.3 Council does not accept the Kāinga Ora proposed amendments to UFD-O3, O4, O5 and O6. Of particular importance, the Council does not consider the inclusion of 'feasible' is necessary to UFD-O5 on the basis that the reporting officer considers this to be obvious in the phrase

⁵⁴ Statement of evidence for Matt Heale, 7 February 2023, paragraphs 4.31 to 4.34.

⁵⁵ UFD-O3, O4, O5 and O6.

⁵⁶ It is noted that this is also reflected by Kāinga Ora seeking the deletion of the defined terms Assisted Housing and Multi-Unit Housing.

"sufficient land development capacity".⁵⁷ However, this is not always the case. As outlined by Mr Cullen,⁵⁸ there will be "major variations in desirability for denser living across the city and as many feasibility issues with higher desirable places as less desirable places for density".

- 8.4 In order for the Council to satisfy its statutory function under section 31(1)(aa) of the RMA, the Council must ensure that the PDP provides for sufficient development capacity in respect of housing and business land to meet the demands of the district. However, as supported by the Environment Court in *Middle Hill*,⁵⁹ when considering the zoning of land, the level of detail required needs to be sufficient to determine whether the land is appropriate to enable those activities, and feasibility plays a role in this assessment.⁶⁰ The Council does not need to be satisfied that the enabled development is "likely" to be taken up by individual site.⁶¹
- 8.5 As a result, it is submitted that the PDP must provide for sufficient land zoned for housing and business needs that must be feasible.

UFD-O8 – character

- 8.6 Kāinga Ora sought the deletion of UFD-O8, opposing the recognition of 'special character' at this strategic level of the PDP. However, as outlined by Mr Liggett,⁶² Kāinga Ora is concerned that the proposed Character Precincts, Mt Victoria North Townscape Precinct, and the Oriental Bay Height Precinct have not been appropriately assessed against the tests in section 77J or satisfied section 77L of the Amendment Act in order to be considered a qualifying matter. Finally, Kāinga Ora does not consider character is a qualifying matter in accordance with Policy 4 of the NPS-UD or section 77I and section 77L of the Amendment Act.
- 8.7 While the application of qualifying matters will be discussed in more detail at subsequent hearings, the proposed application of "character" as a qualifying matter is inconsistent with the requirements of section 77I(j) of the Amendment Act. Section 77L(b) requires councils to justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of

⁵⁷ See paragraph 1178 of the section 42A report.

⁵⁸ Statement of evidence for Mike Cullen, 7 February 2023, paragraph 8.9.

⁵⁹ *Middle Hill Ltd v Auckland Council* [2022] NZEnvC 162,

⁶⁰ [136].

⁶¹ *Belgiorno-Nettis v Auckland Unitary Plan Independent Hearings Panel* [2020] NZHC 6.

⁶² Statement of evidence for Brendon Liggett, 7 February 2023, paragraph 11.1.

the NPS-UD. Councils are also required to undertake a site-by-site analysis of the appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A of the RMA) or as provided for by Policy 3 of the NPS-UD, while managing specific characteristics

- 8.8 The Council has not completed the level of assessment necessary to confirm that a character qualifying matter is justified⁶³ and accordingly it should not be included in the PDP. As a result, the inclusion of UFD-O8 is also not justified and should be deleted from the PDP.

9. REVERSE SENSITIVITY

- 9.1 Kāinga Ora sought deletion⁶⁴ of the definition of reverse sensitivity, on the basis that the concept is an adverse effect that can be addressed more appropriately through more general planning considerations.
- 9.2 The reporting officer opposed the Kāinga Ora submission, and instead sought to amend the definition in light of the Transpower submission to ensure existing lawfully established infrastructure is not compromised.
- 9.3 Mr Heale has outlined that he is not opposed to the inclusion of a definition for the term "reverse sensitivity".⁶⁵ However, Mr Heale does suggest that there are a number of questions that should be considered when determining whether a definition is required. The evidence at future hearings on the residential and centres topics will assist with this determination.
- 9.4 On that basis, Kāinga Ora continues to seek for the deletion of the defined term 'reverse sensitivity'. However, Kāinga Ora seeks permission from the Panel to provide further evidence on the matter at subsequent hearings if the Council or other submitters provide further evidence.

10. EVIDENCE

- 10.1 Evidence by the following witnesses has been filed in support of submissions by Kāinga Ora for this hearing topic:

⁶³ Statement of evidence for Matt Heale, 7 February 2023, paragraph 4.90.

⁶⁴ Submission 391.9.

⁶⁵ Statement of evidence for Matt Heale, 7 February 2023, paragraph 5.13.

- (a) Brendon Liggett – Corporate evidence and Kāinga Ora representative;
- (b) Nick Rae - urban design;
- (c) Mike Cullen – economics; and
- (d) Matt Heale – planning.

Dated 16 February 2023

Jennifer Caldwell
Counsel for Kāinga Ora – Homes
and Communities

APPENDIX A – KĀINGA ORA SUBMISSIONS POSITION

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
391.32	Definition of 'Assisted Housing'	Opposed definition and sought deletion of the term throughout the Plan.	Delete definition and remove any reference to term in District Plan.
391.35	Definition of 'Multi-Unit Housing'	<p>Opposed definition and sought deletion of term throughout the Plan.</p> <p>Kāinga Ora does not support a separate activity type from stand-alone houses or any other residential typology for the purposes of the zone rules and standards.</p> <p>Consequential changes will also be needed throughout the residential, commercial, and mixed-use zone provisions to remove this distinction. It is considered that residential development should be considered on the basis of its effects and merits rather than specifically on typology or the scale/collective number of dwellings.</p>	Delete definition and remove any reference to term in District Plan.
391.38 - 391.42	National Direction Instruments Subpart/ National Direction Instruments / National Policy Statement and New Zealand Coastal Policy Statement	<p>Amend walkable catchments to better align with Policy 3 of the NPS-UD.</p> <p>Sought an amendment to the spatial extent of the High Density Residential Zone and provisions of greater heights and densities within a walkable catchment of centres.</p>	<p>Supports proposed definition of "walking catchment" in part, subject to the following amendments:</p> <p>Walking <u>Walkable</u> Catchment</p>

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
			<p>“Means, for the purpose of implementing Policy 3(c)(i-iii) <u>and (d)</u> of the National Policy Statement on Urban Development 2020, the areas within:</p> <p>-5 minutes’ walk from the rapid transit stops of Raroa Rail Station, Khandallah Rail Station, Simla Crescent Rail Station, Awarua Street Rail Station, Ngaio Rail Station, Crofton Downs Rail Station and Ngauranga Rail Station;</p> <p>1. 10 minutes’ walk from the rapid transit stops of the <u>Kapiti and Johnsonville Lines, the Ngauranga Rail Station, Kenepuru Rail Station, Linden Rail Station, Tawa Rail Station, Redwood Rail Station, Takapu Road Rail Station, Box Hill Rail Station</u> and the edge of the <u>Tawa, Newtown, and Miramar Town Centre Zones, and the</u> Johnsonville</p>

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
			<p>Metropolitan Centre Zone and Kilbirnie Metropolitan Centre Zone; and</p> <p>2. 45 20 minutes' walk from the edge of the Wellington City Centre Zone.”</p> <p>Kāinga Ora also seeks extension of walkable catchments to:</p> <ul style="list-style-type: none"> • 10 minutes for the Kapiti and Johnsonville Lines and the edge of the Tawa, Newtown and Miramar Town Centres; and • 20 minutes from the edge of the City Centre zone.
391.43	Strategic Direction / Anga Whakamua Moving into the future AW-O1	Generally supportive of Objective AW-O1, retain as notified.	Retain as notified - no changes made in section 42A report.
391.44	Strategic Direction / Anga Whakamua Moving into the future	Generally supportive of Objective AW-O2, retain as notified.	Accepts proposed amendments proposed in the section 42A report (see page 161-162).

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
	AW-O2		
391.45	Strategic Direction / Anga Whakamua Moving into the future AW-O3	Generally supportive of Objective AW-O3, retain as notified.	Retain as notified - no changes made in section 42A report.
391.46	Strategic Direction / Anga Whakamua Moving into the future AW-O4	Generally supportive of Objective AW-O4, retain as notified.	Retain as notified - no changes made in section 42A report.
391.47	Strategic Direction / Tāone Kāwana Capital City CC-O1	Generally supportive of Objectives CC-O1, retain as notified.	Retain as notified - no changes made in section 42A report.
391.48 - 391.49	Strategic Direction / Tāone Kāwana Capital City CC-O2	Generally supportive of Objective CC-O2 but sought an amendment to ensure the objective does not overly constrain where urban intensification can occur as current wording is too restrictive.	Supports the amendments made in the section 42A report (underlined and strikethrough), but seeks further deletion (shown in red strikethrough): Wellington City is a well-functioning Capital City where: 1. A wide range of range of activities that have local, regional, and national significance are able to establish and thrive;

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
			<ol style="list-style-type: none"> 2. The social, cultural <u>and</u> economic and environmental wellbeing of current and future residents, <u>and the environment</u> is supported; 3. Mana whenua values and aspirations become an integral part of the City's identity; 4. Urban intensification is delivered in appropriate locations and in a manner that meets the needs of current and future generations; 5. Innovation and technology advances that support the social, cultural, <u>and</u> economic and environmental wellbeing of existing and future residents <u>and supports the environment</u> is are promoted; and 6. Values and characteristics that are an important part of the City's identity and sense of place are identified and protected.
391.50	Strategic Direction / Tāone Kāwana Capital City CC-03	Generally supportive of Objective CC-O3, retain as notified.	Retain as notified - no changes made in section 42A report.

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
391.51, 391.52 & 391.54	Strategic Direction / City Economy Knowledge and Prosperity CEKP-O1 CEKP-O3 CEKP-O4	Generally supportive of Objectives CEKP-O1, CEKP-O3 and CEKP-O4, retain as notified.	CEKP-O1 - Retain as notified - no changes made in section 42A report. CEKP-O3 – Supports amendments made in section 42A report. CEKP-O4 - Retain as notified - no changes made in section 42A report.
391.53	Strategic Direction / City Economy Knowledge and Prosperity CEKP-O2	Sought that the objective is amended to include reference to Town Centres which should be introduced to the centres hierarchy to differentiate between the scale, role and function of Local and Town Centres and ensure consistency with the National Planning Standards and better reflect growth outcomes and the role and function of centres within the urban environment.	Seeks the following amendments to CEKP-O2 (red underlined): “The City maintains a hierarchy of centres based on their role and function, as follows: [...]” <u>3. Town Centres – these centres service the surrounding suburbs. Town centres contain a range of commercial, community, recreational and entertainment activities. Town Centres are well connected to the City’s public transport network and active transport modes are also provided for. Town Centres will play a role in accommodating and servicing the needs of the</u>

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
			<p><u>existing and forecast population growth that is complementary to the City Centre and Metropolitan Centre Zones. This intensification is due to the capacity of the area to absorb more high-density housing with enablers of growth such as offering a walkable access to public transport, community facilities and services; and</u></p> <p>3 4. Local Centres – these centres service the surrounding residential catchment and neighbouring suburbs. Local Centres contain a range of commercial, community, recreational and entertainment activities. Local Centres are well-connected to the City's public transport network and active transport modes are also provided for. Local Centres will play a role in accommodating and servicing the needs of the existing and forecast population growth that is complementary to the City Centre, and</p>

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
			<p>Metropolitan Centre, <u>and Town Centre</u> Zones. This intensification is due to the capacity of the area to absorb more <u>medium density</u> housing with enablers of growth such as walkable access to public transport, <u>and</u> community facilities and services and;</p> <p><u>4- 5</u>. Neighbourhood Centres – [...]"</p>
391.55 – 391.60	<p>Strategic Direction / Historic Heritage and Sites and Areas of Significance to Māori</p> <p>HHSASM-O1</p> <p>HHSASM-O2</p> <p>HHSASM-O3</p> <p>HHSASM-O4</p> <p>HHSASM-O5</p>	<p>Generally supportive of Objectives HHSASM-O1 – HHSASM-O5, retain as notified.</p>	<p>HHSASM-O1 - Retain as notified - no changes made in section 42A report.</p> <p>HHSASM-O2 - Retain as notified - no changes made in section 42A report.</p> <p>HHSASM-O3 - Retain as notified - no changes made in section 42A report.</p> <p>HHSASM-O4 - Retain as notified - no changes made in section 42A report.</p>

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
			HHSASM-O5 - Retain as notified - no changes made in section 42A report.
391.61 – 391.64	Strategic Direction / Natural Environment NE-O1 NE-O2 NE-O3 NE-O4	Generally supportive of Objectives NE-O1 – NE-O4, retain as notified.	NE-O1 - Supports amendments made in section 42A report. NE-O2 - Supports amendments made in section 42A report. NE-O3 - Supports amendments made in section 42A report. NE-O4 - Retain as notified - no changes made in section 42A report. NE-O5 – new provision proposed in section 42A report. Supported.
391.65 – 391.70	Strategic Direction / Strategic City Assets and Infrastructure SCA-O1 SCA-O2 SCA-O3	Generally supportive of Objectives SCA-O1 – SCA-O6, retain as notified.	SCA-O1 - Supports amendments made in section 42A report. SCA-O2 - Supports amendments made in section 42A report. SCA-O3 - Supports amendments made in section 42A report.

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
	SCA-O4 SCA-O5 SCA-O6		SCA-O4 - Supports amendments made in section 42A report. SCA-O5 - Supports amendments made in section 42A report. SCA-O6 - Supports amendments made in section 42A report. SCA – new objective - new provision proposed in section 42A report. Supported.
391.71 – 391.74	Strategic Direction / Sustainability Resilience and Climate Change SRCC-O1 SRCC-O2 SRCC-O3 SRCC-O4	Generally supportive of Objectives SRCC-O1 – SRCC-O4, retain as notified.	SRCC-O1 - Supports amendments made in section 42A report. SRCC-O2 - Supports amendments made in section 42A report. SRCC-O3 - Supports amendments made in section 42A report. SRCC-O4 - Supports amendments made in section 42A report.
391.75 – 391.77	Strategic Direction / Urban Form and Development / General UFD	Opposed the use of the term 'assisted housing' and sought that the term is removed from the Urban Form and Development Chapter, including the introduction.	Seeks all references to 'assisted housing' be deleted from chapter.

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
391.78 – 391.79	Strategic Direction / Urban Form and Development / UFD-O1 UFD-O2	Generally supportive of Objectives UFD-O1 and UFD-O2, retain as notified.	UFD-O1 - Retain as notified - no changes made in section 42A report. UFD-O2 - Supports amendments made in section 42A report.
391.80 – 391.82	Strategic Direction / Urban Form and Development UFD-O3	Supportive in part but sought an amendment to the Objective to remove reference to ‘assisted housing’ and to be more enabling for higher density residential living across the city, including the city centre zone to align with the NPS-UD.	Seeks amendments to UFD-O3 (shown in red): “ Medium to high <u>High</u> density and assisted housing developments are located in areas that are: 1. Connected to the transport network and served by multi-modal transport options; or 2. Within or near <u>a City Centre Zone or</u> a Centre Zone or other area with many employment opportunities; and

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
			3. Served by public open space and other social infrastructure.”
391.83 – 391.84	Strategic Direction / Urban Form and Development UFD-O4	Supportive in part but sought an amendment to clarify that the specified development capacity is a minimum to be provided through the district plan rather than a target.	Seeks amendments to UFD-O4 (shown in red): “In order to achieve sufficient, feasible land development capacity to meet expected housing demand, the following housing bottom lines below are to be met or exceeded in the short-medium and long term in Wellington City as contained in the Wellington Regional Housing and Business Capacity Assessment (Housing Update 2022).”
391.85 – 391.86	Strategic Direction / Urban Form and Development UFD-O5	Supportive in part but sought an amendment to clarify that the specified development capacity is a minimum to be provided through the district plan rather than a target and that feasible development should be provided for.	Seeks amendments to UFD-O5 (shown in red): <i>At least Ssufficient, feasible land development capacity is available to meet the short, medium, and long-term business land needs of the City, as identified in the Wellington Regional Housing and Business Capacity Assessment</i>

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
391.87 – 391.89	Strategic Direction / Urban Form and Development UFD-O6	Sought an amendment to UFD-O6 to remove reference to ‘assisted housing’ and to clarify that tenure is not relevant to achieving quality urban environments, but the range of types and sizes of houses are relevant.	Seeks amendments to UFD-O6 (shown in red): A variety of housing types <u>and sizes and tenures</u> , including assisted housing, supported residential care, and papakainga options , are available across the City to meet the community's diverse social, cultural, and economic housing needs.
391.90	Strategic Direction / Urban Form and Development UFD-O7	Generally supportive of Objective UFD-O7, retain as notified.	UFD-O7 - Supports amendments made in section 42A report.
391.91	Strategic Direction / Urban Form and Development UFD-O8	Opposed UFD-O8 and sought deletion due to the recognition of ‘special character’ at the strategic level of the Plan. It was considered that Character is not an NPS-UD qualifying matter and the provisions of the objective are more appropriately addressed through the relevant zone provisions and precincts.	Seeks amendments to UFD-O8 (shown in red): Areas of identified special character are recognised and new development within those areas is responsive to their <u>varying streetscape values while recognising their role in accommodating medium to high density</u>

Primary Submissions			
Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A
			residential development context and, where possible, enhances that character.
391.9	Whole PDP / Whole PDP / Whole PDP	Sought that references to 'reverse sensitivity' as part of an adverse effect was deleted as reverse sensitivity can be covered by general considerations relating to adverse effects.	Seeks the deletion of the reverse sensitivity but may need to file further evidence at later hearings.

Further Submissions				
Submitter Name / Submission Number	Kāinga Ora Further Submission Number	Plan Provision	Submission summary	Kāinga Ora position following section 42A report.
Generation Zero Inc (254.5)	89.66	Whole PDP	Supportive of the PDP supporting development of adequate housing through densification and supporting infrastructure for the wellbeing of everyone in the WCC area and to deliver the right to a decent home.	Overall growth supported by the section 42A report. Kāinga Ora supports section 42A approach.

Wellington International Airport Ltd (406.7)	89.109	Whole PDP	Oppose the submission insofar as amendments may result in constraints to urban development surrounding the airport. There is a lack of clarity on what would constitute 'incompatible land use and development.'	Section 42A report does not support WIAL submission. No changes proposed. Kāinga Ora supports the Council approach on this point.
The Urban Activation Lab of Red Design Architects (420.2)	89.161	Whole PDP	Opposes the submission to make greater provision for limited notification, in relation to light. The submission is inconsistent with Kāinga Ora's original submission.	Section 42A report does not support any changes. Kāinga Ora supports section 42A approach.
Generation Zero Inc (254.2)	89.65	Other	Supportive of the requirement for further analysis in accordance with s77L in regard to Character Precincts within the Medium Density Residential Zone.	Character precinct to be address at other hearings.
Mt Victoria Residents' Association (342.6)	89.97	Other	Opposes the submission which impacts on the supply of a variety of housing choices and typologies in Wellington, noting that NPS-UD capacity requirements are minimums not targets.	Section 42A report does not support any changes. Kāinga Ora supports section 42A approach.
Te Rūnanga o Toa Rangatira (488.1)	89.42	Other	Supportive of the introduction of a standalone papakāinga chapter.	To be addressed through a separate plan change.
Generation Zero Inc (254.10 - 254.12)	89.71 – 89.74	National Direction Instruments General	15 minute walkable catchment – Metropolitan Centre Zone 15 minute walkable catchment – all rapid transit stations Johnsonville Line should be rapid transit.	Johnsonville Line recommended to be rapid transit – Kāinga Ora supports this approach. See Table 1, page 10 of Mr Heale's evidence for Kāinga Ora proposed walkable catchments.
KiwiRail Holdings Ltd (408.19)	89.26	National Direction Instruments General	Opposes inclusion of the rail corridor as a qualifying matter and any consequential changes to other provisions and rules relating to the rail corridor as a qualifying matter (in particular 408.116 & 408.120).	Topic will be revisited at Hearing 2.

Generation Zero Inc (254.14)	89.75	National Direction Instruments	Supportive of the submission that the area of walkable catchment around the city centre zone where 6 storey development is enabled is increased to 15 minutes.	See Table 1, page 10 of Mr Heale's evidence for Kāinga Ora proposed walkable catchments.
Greater Wellington Regional Council (351.50)	89.13	National Direction Instruments	Supportive of the submission to request that Johnsonville Railway Line is a rapid transit line.	Section 42A report supports the inclusion of the Johnsonville Line as rapid transit. Kāinga Ora supports this approach.
Lower Kelburn Neighbourhood Group (356.4 – 356.5)	89.88-89.89	National Direction Instruments	Opposes the submission to have character a qualifying matter in the High Density Residential Zone due to the potential impact on the supply of a variety of housing choices and typologies in Wellington. Also opposes the seeking for sunshine and privacy as qualifying matters.	Section 42A report does not support expanding qualifying matters for the submission. Kāinga Ora supports this approach.
Waka Kotahi NZ Transport Agency (370.43)	89.16	National Direction Instruments	Supportive of the submission that a 10 minute walkable catchment does not realise the development capacity required by the NPS-UD.	See Table 1, page 10 of Mr Heale's evidence for Kāinga Ora proposed walkable catchments.
KiwiRail Holdings Ltd (408.20)	89.29	National Direction Instruments	Opposes the 5m setback as a reduced setback would provide adequate space for maintenance activities within sites adjacent to the rail network. Safe, efficient and effective operation of rail infrastructure could be maintained with a lesser setback which would balance costs on landowners.	Section 42A report does not support KiwiRail position. Kāinga Ora supports this approach.
Generation Zero Inc. (254.8)	89.68	Definitions / New definition	Supportive of a new definition for walkable catchment insofar as it aligns with the Kāinga Ora original submission.	Kāinga Ora seeks amendment to the proposed "walking catchment" definition – see above.

Transpower New Zealand Ltd (315.14-315.15)	89.22	Definitions / New definition	Opposes request for a definition of qualifying matter as a definition is not required to aid interpretation or implementation of the Plan. Furthermore, the definition could constrain urban development. Opposes any consequential changes to other provisions and rules referencing this proposed new term.	Definition for qualifying matter provided by the section 42A report. Kāinga Ora supports proposed definition.
Generation Zero Inc (254.9)	89.69-89.70	Definitions / New definition	Supportive of a new definition for rapid transit stop insofar as it aligns with the Kāinga Ora original submission. However, individual stations do not need to be identified in the definition.	Kāinga Ora supports the proposed definitions for rapid transit and rapid transit stop.
Ara Poutama Aotearoa the Department of Corrections (240.7-240.8)	89.4-89.5	Definitions / New definition	Opposes the submission to delete the definition of 'supported residential care activity'.	Section 42A report does not support proposed deletion. Kāinga Ora supports this approach.
Transpower New Zealand Ltd (315.46)	89.24	Strategic Direction / Urban Form and Development UFD-O3	Opposes the amendment which adds a note that medium and high density housing developments may not be appropriate in qualifying matter areas as this is unnecessary and inconsistent with Kāinga Ora's original submission.	Kāinga Ora seeks amendments to UFD-O3 – see above.
Wellington International Airport Ltd (406.74)	89.117	Strategic Direction / Urban Form and Development UFD-O2	Opposes the submission to delete UFD-O2 which should be retained as notified, the deletion of the objective could result in a potential conflict between urban development around the airport. Compatible is a relatively high threshold which could have unintended consequences of unnecessarily limiting development.	UFD-O2 to be retained as notified. Kāinga Ora supports the section 42A on this point.

Wellington International Airport Ltd (406.75)	89.118	Strategic Direction / Urban Form and Development UFD-O3	Seeks that UFD-O3 is retained as notified because the effects of medium and high density housing development can be managed so as not to constrain and / or curtail the airport operation.	Kāinga Ora seeks amendments to UFD-O3 -see above.
Ara Poutama Aotearoa the Department of Corrections (240.9)	89.6	Strategic Direction / Urban Form and Development UFD-O6	Opposes the proposed amendments to remove reference to 'supported residential care activity'.	Kāinga Ora seeks amendments to UFD-O6 – see above.
Wellington International Airport Ltd (406.78)	89.119	Strategic Direction / Urban Form and Development UFD-O7	Opposes proposed amendments to UFD-O7 which should be retained as notified because the effects of medium and high density housing development can be managed so as not to constrain and / or curtail the airport operation.	UFD-O7 to be retained. Kāinga Ora supports the section 42A on this point.