

**Hearing Stream 4
Wellington City Council**

In the matter of

Proposed District Plan review incorporating the Intensification Streamlined Planning Process (ISPP), and the first schedule of the Resource Management Act.

Hearing 4 – Mixed Use Zone

Expert Evidence of Cameron de Leijer on behalf of Rongotai Investments

Date: 08/06/2023

Next Event Date: 22nd June 2023
Hearing Chair: Robert Schofield
Hearing Pannel: Heike Lutz, Liz Burge, Lindsay Daysh

Introduction

- 1 My full name is Cameron Peter de Leijer. I am a Senior Surveyor and Planner at Spencer Holmes Ltd. I specialise in Cadastral Surveying, Resource Management, and Land development.
- 2 I am submitting planning evidence on behalf of Rongotai Investments Ltd.
- 3 I am authorised to provide this evidence on their behalf.

QUALIFICATIONS

- 4 My qualifications and experience are as follows:
 - 4.1 I have a Bachelor of Surveying from the University of Otago and Bachelor of Science from the University of Canterbury.
 - 4.2 I have 5 years post graduate experience as a surveyor in private practice at Spencer Holmes Limited. During that time, I have worked on a variety of survey projects. I now work closely in the land planning field which includes the preparation of resource consent applications, as well as developing land use strategies for clients.
 - 4.3 In October 2021 I achieved the requirements to be a Licensed Cadastral Surveyor under the Cadastral Survey Act 2002, which is a rigorous set of exams that require knowledge in the law surrounding Cadastral Surveying. Upon obtaining my license to undertake cadastral surveys, I became full member of the surveying professional body, Survey and Spatial New Zealand.
 - 4.4 I previously sat on the Board for the Survey and Spatial Wellington Branch executive team. I currently have a position on the Board of the Positioning and Measurement Stream for

Survey and Spatial New Zealand, which is the one of the governing streams of the survey profession.

- 5 My involvement in these proceedings has been to prepare the original submission and to provide this evidence for the hearing.

CODE OF CONDUCT

- 6 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. Whilst this is a Council hearing, I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence before the commissioners. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

ORIGINAL SUBMISSION

- 7 The original submission seeks to increase the height limits of the Mixed Use Zone in areas A, B, C and D is increased to at least 20m.
- 8 I have included an extract of the Wellington PDP which the submission (and evidence refers too).



Figure 1: Zones and Area in relation to submission

Kainga Ora requests for a blanket 22m height across the MUZ zones.
Rongotai Investments also supports this proposal.

SECTION 42A REPORT

10 The section 42A report assessed the submission provided and considers that the MUZ Height Control remains as notified for two main reasons. These are:

-1. Height Control provides a transition to adjoining residential areas and to ensure that development does not dominate Lyall Bay (within Area A and C).

2. Additional height in this location is restricted by WIAL1 and the proximity to the Airport Control Tower requires an assessment of the impact on the airport operations.

11 There is a fundamental issue with the first reason as there are no parts of the MUZ that adjoin any residential area. The MUZ where the request for the height increase is surrounded by Open Space Zone.

12 This open space zone provides a buffer between the MDRZ and the MUZ where no development will occur and thus protecting Lyall Bay from being fully developed. With no development in this OSZ the effect of the transition height should be assessed against the maximum height of buildings for the OSZ. Whilst unlikely to be built on, the maximum building height of the OSZ is 7m, while the maximum height for lighting or surveillance is 18m. Therefore, the users residential zone will either have a significant step down to structures in the OSZ before the MUZ, or observing 18m high poles within this area which is currently higher than permitted heights in the PDP for the MUZ. As such the amendment of the height control does not affect the transition to the residential area.

13 There is also a significant disparity between the heights of the zones in MUZ area. If the reason was to provide a transition of height between the residential zone and the Special Purpose Airport Zone, then the

height control areas that are closest to the residential zone should be a consistent height. However, Zone C to the South and Zone D to the North are permitted to 16m, and are just as close to the residential area as Zone A. However Zone A is only restricted to 12m. Below is a figure showing the permitted heights between the residential zone and the MUZ. There is no difference between the factors in Zone A and Zone C and D. There is also no clear justification to why there is a split between these zones. As such, Zone A should be increased to a minimum of 16m.

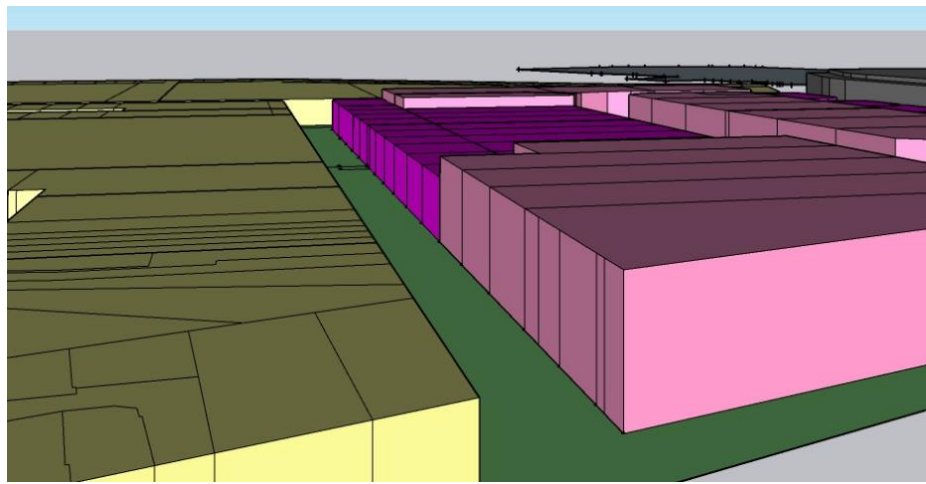


Figure 2: Difference between Zone A and Zone C in relation to residential area

14 Furthermore, there is no transition between the heights within the AIRPZ and the residential zones that directly adjoin the site. The AIRPZ has 6 precincts which alter the permitted heights within the AIRPZ. The precinct that is of note to this application is the West Side Precinct. The maximum permitted height in this Precinct is 18m, except if a Code E hanger is used, which has a permitted height of 20m (with a 10m setback applied). This means that the residential buildings in the MDRZ, in the section below, will have no 'buffer' between 18m and 20m high buildings. This is important as the MUZ has the 'buffer' zone of between 18m and 30m in the form of the Open Space Zone. As the Council are not restricting the airport heights, it needs to remove the height restrictions for the MUZ as requested.

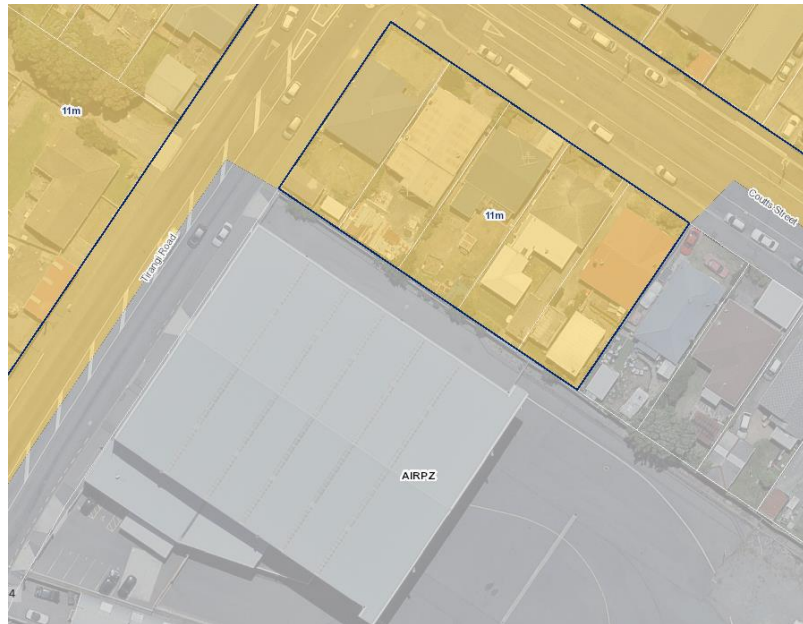


Figure 3: Residential Zone boarding Airport Zone

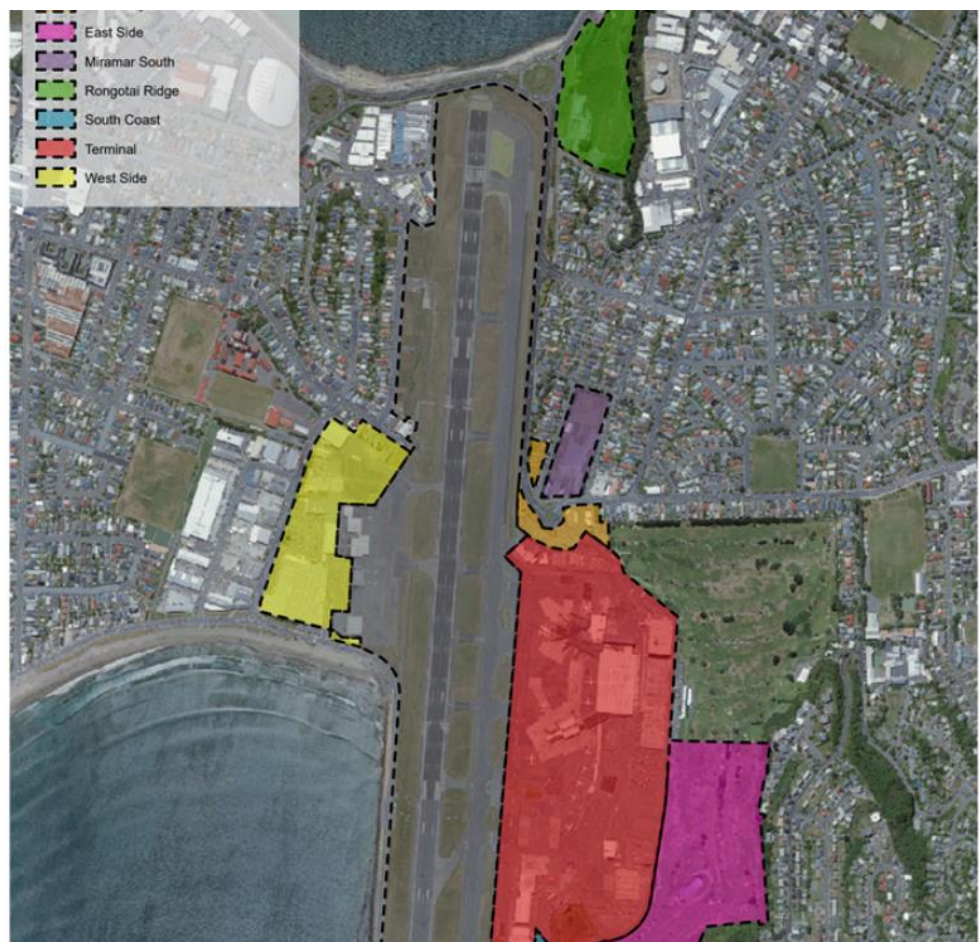


Figure 4: Airport Zone Precincts

- 15 It is also noted in the Section 42A report that the sites are subject to WIAL 1. This sets a height limit outlined in the conditions of WIAL 1. The majority of MUZ sits outside the RL 55m limit, with the rest of the MUZ sitting generally between the 55m RL limit and 35m RL limit. The proposed height extension is to be 20m above ground level. The WCC GIS shows that the ground levels between 3m – 8m (taking into account the conversion between NZVD16 and Wellington 1953) in this zone. Therefore, the RL of a permitted building for the heights proposed would be 28m. This is well below the worst RL permitted by WIAL 1 and therefore would be permitted with respect to this designation. The sections do not fall within the visual zone as well. As such there is no restriction provided by WIAL and this cannot be a justification for height control.
- 16 As outlined in 14, there is no impact as a result of WIAL 1 and therefore no impact on airport operations with respect to the take-off and landing of aircrafts. As highlighted in section 13, the West Side Precinct is permitted to have buildings of 20m, which would imply that buildings of this height do not have an effect on the remaining 5 precincts within AIRPZ. It is worth noting that the majority of the West Side Precinct has a permitted RL of between 20 and 25m with respect to WIAL 1 which would make the 20m high hangers generally permitted. As such the effect of proposed height for the MUZ on the airport operations outside the West Side Precinct can be regarded as none.
- 17 The section 42A report refers to the Control Tower. This control tower sits at 36.28m above MSL as shown on the Approved Land Use Consent Plans SR325662. This building is the only airport specific building that the proposed new heights could potentially affect. As noted this building is surrounded by the West Side Precinct that can potentially build up to 20m in height. Below is a diagram that shows the proposed heights in relation to the Control Tower.

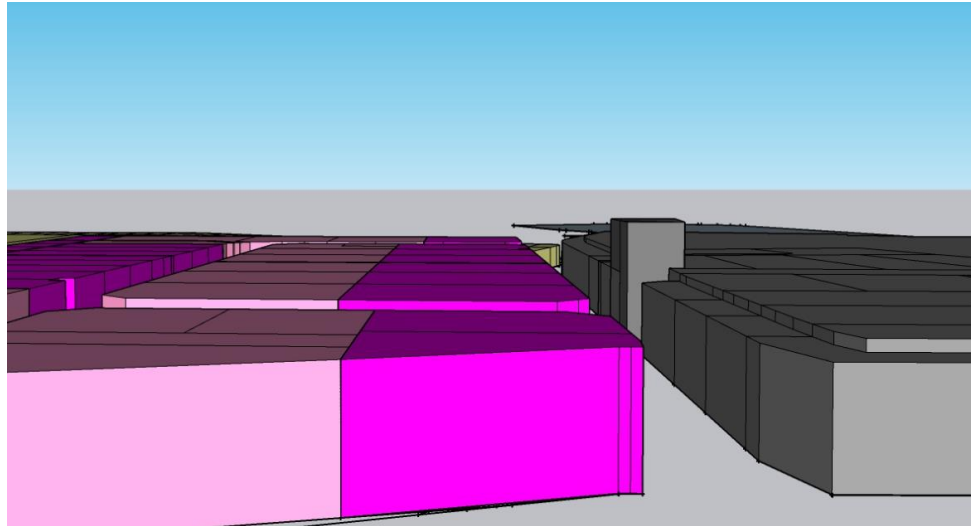


Figure 5: Control Tower with respect to 20m buildings

- 18 As can be seen in this diagram, the Airport Zone buildings are more likely to have an influence on the Control Tower. The MUZ is separated by a road from the Control Tower and will have a lesser influence than the buildings on AIRPZ. What is also clear and apparent is that the tower sticks above all the buildings by approximately 16 metres.
- 19 The Control tower has 9 Storeys with the first seven stories used for control tower operations with the upper two comprising the viewing cab. Attached are the approved Resource Consent drawings which clearly outline the view platforms. As discussed earlier the permitted height for the buildings in the MUZ would reach an absolute maximum RL 28m which would be below the Sub-Cab Level. As shown on the Eastern Elevation, the Controller Eye Height sits at 32.01m which is significantly higher than the proposed permitted height. Therefore, increasing the height control to 20m would have no effect on the visual outlook of the control tower.
- 20 As the MUZ allows for residential development, the increase in height will provide for more housing options in the heart of Lyall Bay. This is a desirable suburb to live, as it is close to the beach, surrounded by local amenities, close to schools and is well connected by public transport and bike paths. Therefore, this is in direct keeping with the NPS-UD.

CONCLUSION

- 21 Seeing as the MUZ has a transition height step by means of the OCZ to the MDRZ, while the AIRPZ does not, the permitted height should be increased.
- 22 It has also been shown that the increase in height would not affect airport operations any more than the permitted buildings for the West Side Precinct. The effect of WIAL 1 on the site has also been discussed and shown that the new proposed heights will not breach the allowable height in condition 1. Finally, the airport control towers operations will not be affected by the increase in height as the permitted height is well below the Controller Eye Height. It is also noted that Wellington Airport did not submit in opposition of this submission.
- 23 As such there is no justification to limit the height as notified and these height limits should be amended to be 20m in height which will allow for further development to satisfy the current housing crisis in Wellington.
- 24 Therefore the following relief is sought.

Standard	
MUZ-S1 Maximum height for the purposes of MUZ R16.1	
Location	Limit
Height control area 1 Newtown South Greta Point Tawa South Takapu Island Tauhinu Road Rongotai South Mixed Use Zone Height Control A Rongotai South Mixed Use Zone Height Control B Shelly Bay Tawa: Tawa Street	42 20 metres
Height control area 2 Tawa Junction Kaiwharawhara Kilbirnie North Miramar - Park Road and Weka Street	45 20 metres
Height control area 3 Rongotai South Mixed Use Zone Height Control B Rongotai South Mixed Use Zone Height Control C	46 20 metres
MUZ-S2 Maximum height for the purposes of MUZ R16.2	
Height control area 1 Rongotai South Mixed Use Zone Height Control B	46 20 metres
Height control area 2 Newtown South Greta Point Tawa: Tawa South Takapu Island Miramar: - Ropa Lane, Maupuia Road and Tauhinu Road Rongotai South Mixed Use Zone Height Control A Rongotai South Mixed Use Zone Height Control C	48 20 metres
Height control area 3 Rongotai South Mixed Use Zone Height Control D	49 20 metres

Date: 08/06/2023



Review and Agreed by: Ian Leary