

Stewart McKenzie

From: Wendy Walker
Sent: Thursday, 8 September 2022 9:13 am
To: brian.warburton@xtra.co.nz
Cc: Ross Leggett; Mayor Mailbox; Izzy Ford; Kylie Wihapi; Faafoi Seiuli; Moze Galo; Josh Trlin; Nathan Waddle; Geoff Hayward; Mike Duncan
Subject: RE: [EXTERNAL] Housing Intensification - Scope of Variation 1 to the Proposed District Plan

Kia ora Brian,

In response to your email to Cllr Ross Leggett on Thursday 1 September.

You assert with respect to qualifying matters that *'Variation 1 as it is currently drafted does not apply the exclusions provided for in Section 771. Nor does the Council explain why those exclusions have not been applied.'*

You also advise that *'Natural hazards, coastal setbacks, significant natural areas, wetlands, historical and cultural values etc [a]re other resource management concepts that could have been incorporated as 'Qualifying Matters' into the planning assessment, potentially resulting in reduced development intensity in certain areas.'*

To confirm, the Council has been extensively advised on qualifying matters over the past 5 years, and the Proposed District Plan (PDP) as notified in August 2020 takes a comprehensive approach to the identification and application of qualifying matters. These are typically shown as overlays on the PDP planning maps with accompanying District Wide chapters containing objectives, policies and rules in relation to them. The qualifying matters as notified in the PDP apply equally to Variation 1, and it therefore wasn't necessary to comprehensively revisit these through Variation 1.

In practice, this means that where the Medium Density Residential Zone and other urban zones overlap with qualifying matters, the rules relating to qualifying matters apply which will limit the extent of housing intensification enabled in these areas. This approach is summarised in the 'How the District Plan works' section in the introduction to the PDP, copied below:

Integrated management of natural and physical resources

The National Planning Standards require that a district plan takes an integrated approach to the sustainable management of natural and physical resources. This means that all chapters in the Plan should be viewed in conjunction. Combined, the zone chapters in Part 3: Area Specific Matters and District-Wide chapters in Part 2: District-Wide Matters, achieve the integrated management of the use, development and subdivision of land within that zone and across the city. For example, this includes the overlays for natural hazards, the natural environment, historic heritage and sites and areas of significance to Māori, which manage these features within the individual zones. There are also district-wide chapters such as Earthworks, Contaminated Land, Hazardous Substances and Three Waters which manage the effects of new development on infrastructure, land, air, and water quality. These provisions also operate alongside other regulations including the Natural Resources Plan for the Wellington Region and relevant National Environmental Standards to manage land, air, and water quality at the zone level and for the city overall. A step-by-step guide to How the District Plan works as a whole is further explained in the rest of this section.

The PDP and Variation 1 also identify a number of additional qualifying matters that limit intensification in certain areas in accordance with S771 and S770 RMA . These take the form of rules that modify the height and density requirements of the Medium Density Residential Standards (MDRS), and are listed in Tables 1 and 2 in section 2.7.1 of the 'Section 32 Evaluation Report - Part A - Overview' in support of Variation 1. There are 38 of these rules in total. Link to the s32 report here: https://storage.googleapis.com/pcc-wagtail-media/documents/Section_32_Evaluation_Report_-_Part_A_-_Overview_to_s32_Evaluation.pdf

As these qualifying matters were already largely in place through the PDP, it was not considered necessary to go into detail regarding these matters in the Officer Recommendation Report to Te Puna Korero on 23 June 2022. The new qualifying matters introduced through Variation 1 were referenced as height variation control areas and new flood hazard maps in the Officer Report. Referring to these qualifying matters in this way was purposeful as it more clearly defines

what they are, rather than the broader and more ambiguous 'qualifying matters' terminology. Relevant points from section 7 of the Officers Recommendation Report:

- i. *New zone maps showing the spatial extent of all new and revised zones, intensification precincts, and height variation control areas;*
- j. *Insertion of flood hazard maps for urban catchments not included with the notified PDP; and*

In relation to the points raised with respect to wastewater network capacity, this matter is already dealt with by the PDP Three Waters chapter. This is considered the appropriate method from a resource management perspective to deal with this matter, and Policy 3 is included below for reference:

THWT-P3 Three Waters Network Capacity

Where the level of service of the reticulated water supply, reticulated wastewater and stormwater management networks is insufficient to service the number of residential units proposed, or is insufficient to service the size of the building and associated activity proposed, only allow use and development when it can be demonstrated that:

- 1. *It incorporates measures that appropriately mitigate any adverse effects on the Three Waters Network and meet the performance criteria of the Wellington Water Regional Standard for Water Services May 2019; and*
- 2. *The additional demand generated can be accommodated by the Three Waters Network, without resulting in increased flood risk, increased wastewater overflows or reduced pressure in the reticulated water network.*

In terms of development capacity as defined by the NPS-UD (which includes three waters network capacity), the PDP also works in an integrated manner with Local Government Act plans and processes. These include the Long term Plan (LTP) and development contributions policy. I suggest reading section 5.5 of the overarching s32 Report (link above) to better understand the integrated approach PCC is taking towards providing sufficient development capacity to enable housing intensification.

Finally, I can advise that the Intensification Streamlined Planning Process that Council is following with respect to Variation 1 includes a submissions, further submissions and hearings process. This is the appropriate process for concerns regarding qualifying matters to be raised and we do encourage submissions

Ngā mihi,

Wendy Walker
Chief Executive
Kaiwhakahaere Matua



Tel: 04 237 1401
porirucity.govt.nz

From: brian.warburton@xtra.co.nz
Date: 31 August 2022 at 11:54:21 AM NZST
To: Ross Leggett <Ross.Leggett@porirucity.govt.nz>
Cc: Mayor Mailbox <mayor@porirucity.govt.nz>, Izzy Ford <Izzy.Ford@porirucity.govt.nz>, Kylie Wihapi <Kylie.Wihapi@porirucity.govt.nz>, Faafoi Seiuli <Faafoi.Seiuli@porirucity.govt.nz>, Moze

Galo <moze.galo@porirua.govt.nz>, Josh Trlin <Josh.Trlin@porirua.govt.nz>, Nathan Waddle <Nathan.Waddle@porirua.govt.nz>, Geoff Hayward <Geoff.Hayward@porirua.govt.nz>, Mike Duncan <Mike.Duncan@porirua.govt.nz>, Wendy Walker <Wendy.Walker@porirua.govt.nz>
Subject: [EXTERNAL] Housing Intensification - Scope of Variation 1 to the Proposed District Plan

Hello Ross (and other councillors)

I'm following up on your comment Ross about housing intensification during the Wastewater Treatment Plant and Landfill Joint Committee meeting yesterday.

You seem to be under the impression that the Medium Density and High Density residential zonings proposed with Variation 1 to the Proposed District Plan are a fait accompli, or in your words "*mandated by central government*".

As I said yesterday, this is incorrect.

In this regard I refer you to my comment about the draft variation and dated 18 April 2022 (see attached).

In those comments I noted the following:

"The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act) introduced into the principal act the concept of 'Qualifying Matters'. The concept of qualifying matters only applies to land that is "within a residential zone". Section 771 allows the Council to draft Medium Density Residential Standards in Variation 1 that are less enabling for development.

The Qualifying Matters are listed in s.771 (a) to (h) as being

Variation 1 as it is currently drafted does not apply the exclusions provided for in Section 771. Nor does the Council explain why those exclusions have not been applied."

This is the factual situation.

If the concept of 'Qualifying Matters' had been explored by council staff they might have come to the conclusion (for example) that intensification in Titahi Bay is not appropriate (at least currently) because the wastewater infrastructure is not capable of servicing the existing level of development (proven with over 10 overflow events each year at the Rukutane Point pump station) let alone development contributing more sewage.

Natural hazards, coastal setbacks, significant natural areas, wetlands, historical and cultural values etc re other resource management concepts that could have been incorporated as 'Qualifying Matters' into the planning assessment, potentially resulting in reduced development intensity in certain areas.

If council staff has chosen not to explain this (ie: how Qualifying Matters are able to negate the concept of a government 'mandate') sufficiently to councillors, then they done the Council and the ratepayers a significant disservice.

In this regard I note that the term 'Qualifying Matter' is not used in the officers' report (by S McKenzie and N Etheridge) presented to the Council at its meeting on 23 June 2022. Perhaps that is something that councillors could explore with council staff at the Te Puna Korero meeting tomorrow.

I'm happy to contribute further to this discussion if that would be useful for you and other councillors.

Brian Warburton