

PROPOSED TE PŪTAHI LADIES MILE PLAN VARIATION

SUMMARY OF EVIDENCE OF JEFFREY ANDREW BROWN ON BEHALF OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

1. As directed by paragraph 12.2 of Hearing Minute 1, I set out below a summary of the key points of my evidence.
2. I prepared the Section 42A Report dated 29 September 2023, and a statement of rebuttal evidence dated 10 November 2023. I have provided answers to written questions from submitters dated 24 November 2023.

Succinct summary of key points of my evidence

3. I support the TPLM Variation for the reasons set out in the s42A Report. I consider that the TPLM Variation provisions, subject to finalisation of some matters, fulfils the various statutory tests for rezonings. I addressed these in detail in Sections 7 and 14 of the s42A Report.

Latest position on the matters remaining in dispute (including any answers through the question process)

4. Density: I have updated the standard for density in the High Density Residential (HDR) Precinct (Rule 49.5.16) (see separate sheet) following feedback from other planners and in further discussions with Ms Fairgray and Mr Lowe. The rule still enables a choice for the developer, and one of the choices contains an averaging mechanism whereby lower density development (down to 40 du/ha) can be established in the short term provided that there is a mechanism to preserve the opportunity for higher density later.
5. Stormwater: I have updated the stormwater management provisions to reflect the need for a catchment-wide hydraulic model and to achieve as close as possible the need for soakage to ground for a 1% AEP storm event. Further work is underway following Mr Gardiner's presentation to the Panel on 5 December.
6. Amenity Access Area: the TPLM Provisions set out policies and rules for this area. As signalled by Commissioner Munro, I will address s32AA on more specific issues (width, form) in the Council's reply.
7. Gateway: I have amended the Chapter 4 policy, Policy 4.2.2.21(c), to enhance the policy framework for this aspect of the Variation.

8. Subdivision and ensuring new sites are capable of land uses anticipated by the TPLM Zone: this matter was raised by the Panel on 4 December and I agree the subdivision provisions should be amended. I have added a matter of discretion and an information requirement into Rule 27.7.28.1, and amended the assessment matter at 27.9.8.1(c)(i)(a).
9. Hutchison extension: I maintain my view, as set out in my Rebuttal statement and in the questions from submitters, that the Hutchison land is generally appropriate for urbanisation but there are factors that still need to be resolved:
 - Location of urban development – upper terrace, lower terrace?
 - Relatedly: boundary location, UGB location and treatment?
 - Landscape impacts – height limits, BRAs, design controls?
 - Roading / active travel links?
 - Integration with TPLM Zone?
 - Density?
 - Commercial node (at Western end of TPLM Structure Plan) – size and location?
 - Public transport linkage and walkability?
 - Inclusion of other land on north east side of Lower Shotover Road north of TPLM Zone?
10. Currently my view is that a future master-planning / zone change process would be necessary to address these matters.
11. Other location-specific matters:
 - (a) Water tanks / UGB / Slope Hill ONF – no change in my position as set out in my Rebuttal and responses to the submitter’s questions.
 - (b) Dobbs land – no change in my Rebuttal position. My view is that the Dobbs land is not affected by the NPS-HPL because it is included in the area identified in the Spatial Plan as potentially for future urban development.
 - (c) Doolittle land – no change in my Rebuttal position and I note Ms Hampson is satisfied that some higher density residential or live-work units could be appropriate on this block. I will await Alex Dunn’s presentation to the Panel on these options.

- (d) Koko Ridge-Corona boundary issues – no change in my Rebuttal position.
 - (e) Queenstown Country Club – no change in my Rebuttal position.
 - (f) Supermarket parking – I agree that allowing for more parking (suggested 1/25m² GFA) would be appropriate, to reduce the regulatory barriers and potentially kick-starting the Commercial Precinct’s establishment.
12. As will be apparent from the responses to the Panel’s written questions (which I address below) I do not consider that any further mechanisms are required to stage or sequence development. In my view the transport infrastructure staging rules (perhaps with some modifications), the comprehensive stormwater provisions (also with some modifications), and the requirement to adhere to the Structure Plan, will be sufficient in ensuring that development is appropriate, both spatially and over time.
13. The transport infrastructure staging rules (Rules 49.5.10, 49.5.33, 49.5.50 and 49.5.56 (as updated in the Rebuttal Version)) are in my view appropriate and necessary to align development with establishment of the necessary traffic infrastructure to sustain that development. Following the evidence and responses to questions by Mr Shields and Mr Pickard on 5 December, it is currently my view that including as one of the infrastructure works (for some or all of the TPLM Sub-Areas) the SH6 east and westbound bus lane on the western side of Shotover Bridge (between Shotover Bridge and the SH6/6A intersection) would be appropriate. I understand a recent alteration to the existing SH6/6A designation provides for these bus lanes.¹
14. I have also discussed with Mr Shields the appropriateness of adding the bus service frequency – potentially by way of a trigger of clear commitment in the RLTP to more buses and more frequent services – into the infrastructure staging rules. I am still considering this and discussing with Mr Shields and Mr Pickard.
15. In relation to the transportation uncertainties I have considered further the s32 duty to evaluate the risk of acting or not acting (and bearing in mind the chicken / egg analogy):
- The risk of not proceeding with the TPLM Variation is that the impetus for the infrastructure to be established (through business cases through to funding) is

¹ Waka Kotahi’s decision on Notice of Requirement RM221079 to alter Designation 84 in the Operative Queenstown Lakes District Plan to provide for the construction, operation and maintenance of improvement works to State Highway 6 and State Highway 6A, dated 6 November 2023.

weakened or lost because the pressure on the infrastructure providers to undertake the works required, and to provide the more frequent bus services would be released. As I understand it, the need for the works (i.e. the urban rezoning) is a significant motivator for the public transport infrastructure/service providers to get on with what they should be providing as part of their role in the wider need for accommodating and managing rapid growth;

- The risk of proceeding with the TPLM Variation, I acknowledge, is that some further adverse traffic effects could potentially arise while the various pieces of the jigsaw come together – particularly while the existing bus services transition to more frequent services as the population establishes and grows, and the other components of the TPLM Zone (Commercial Precinct development, schools) are established over time.

16. My view is that the risk of proceeding with the TPLM Variation is acceptable, based on the evidence of the various experts, and also on the overall rationale for and purpose of the Variation (that I set out in Section 10 of the s42A report) in:

- Implementing the Spatial Plan;
- Ensuring the efficient use of the very finite land availability for large scale urban growth;
- Achieving an integrated, well-functioning and more self-sustaining urban community inclusive of the nearby communities.

Appendix A - Response to Hearing Panel Minute: Pre-Hearing Questions

1.4 *The planners agreed that the LM SH6 corridor will be a RTS under the NPS-UD. The system is not existing so given the definition of "planned" in the NPS-UD, can the planners confirm that it is a form or feature of transport within "a regional land transport plan prepared and approved under the Land Transport Management Act 2003." If so, could more information be provided on the RLTP provisions relevant to the LM SH6. If not, then can the LM SH6 be considered a RTS and how?*

17. I note that the traffic experts (Dave Smith, Tony Pickard and Colin Shields) do not consider that the LM SH6 corridor would be a RTS under the NPS-UD.
18. I consider that, at face value, the SH6 route from Ladies Mile through to Frankton meets the NPS-UD's definition of RTS because it would have a dedicated bus lane, generally separated from other traffic, and a frequent bus service. I have looked further into the relevant RLTP, as requested by the Panel. The bus lanes themselves are planned and funded under the RLTP (reference page 57), but the buses themselves are not funded under the RLTP.
19. I therefore do not consider that the LM SH6 corridor would be a form or feature of transport fully anticipated within the RLTP.
20. I will continue to confer with the other planners on this point.

1.5(d) *Have the effects, effectiveness and efficiency, and overall appropriateness of the TPLM been considered from the point of view of necessary passenger transport services not eventuating?*

21. No. The TPLM Zone has always been premised on the necessary passenger transport services eventuating. Two points are relevant:
 - (a) The transport infrastructure staging rules have been crafted to ensure that (at least) the westbound bus lane and bus stops are in place prior to the effects of the transport network arising. The Stalker Road bus lane is not currently included in transport infrastructure staging rules but will be included in the Council's reply version; and
 - (b) The consultation with the Way2Go partners (particularly Waka Kotahi) and the community and the landowners throughout this process has been aimed at ensuring that all the relevant key stakeholders are aware of the intent to, and necessity of, transitioning the SH6 corridor from a higher speed rural highway to an urban street, with a frequent service public transport as a key feature. The

intention is that the rezoning itself will be a significant step towards, and catalyst for, ensuring that the necessary passenger transport services eventuate.

- (c) Following on from Mr Shields' responses to the Panel's Question 1.5(a), if the public transport services do not eventuate the outcome would be more traffic demand on SH6 and exacerbation of the existing problems.

1.5(e) How can an integrated transportation solution, particularly for walking and cycling modes, be achieved as individual sub areas are developed when there does not appear to be any consideration within the zone provision of relative staging of TPLM?

22. I indicated (verbally, at the hearing Day 1):

- No such staging rules are proposed;
- I thought any such rules would be inequitable given some landowners / developers are ready to go now and others may not wish to get underway for a long time;
- Provided everyone develops as required by the Structure Plan, then the various pieces of the jigsaw would all come together, in time;
- Some pieces of the jigsaw might be done comprehensively such as the SH6 bus lanes and bus stops because likely they would be constructed in a single stage and not piecemeal. (Mr Shields has indicated that the bus lane work is tied up with the NZUP works. The traffic signal intersections and associated pedestrian crossings would be done all at once. Each of the 3 pairs of bus stops and their associated active mode links would be done at the same time);

23. Further to those responses, I acknowledge Ms Galavazi's comments on the options of mechanisms to secure the public access function of the Amenity Access Area, and the preference for vesting into Council ownership / management of this area.

1.5 (f) How could TPLM be planned to mitigate such risks / effects? For example:

- (i) zoning options (such as deferred zones);**
- (ii) development thresholds or mode shift / active mode, / public transport targets; or**
- (iii) staging options,**

to deliver a well-functioning urban environment with growth aligned with the developing transport network (and/or reducing adverse effects on it, for example through the commercial area/schools) and what provisions would be required to provide for that?

24. We had contemplated methods including deferred / future urban zones as a method of holding back development before the infrastructure was in place, but opted for a live zoning, with infrastructure staging rules, to ensure that there would be continuing impetus to achieve the infrastructure works required (from the inevitable pressure from the Council, developers and the community on the Way2Go partners to deliver the works in a timely manner).
25. The infrastructure staging rules are the key method for delivering a well-functioning urban environment with growth aligned with the developing transport network. The Commercial Precinct, the higher densities required and the enabling of schools (and, relatedly, what we did and still understand to be the MoE's intentions to establish a secondary school and a primary school within the TPLM Zone) were further methods for delivering a well-functioning urban environment and for avoiding or mitigating the risks from development that is not integrated with infrastructure delivery, and remedying the current adverse effects from the car-based suburbs.

1.6 Would Council-led delivery of transport infrastructure (noting of course the role of Waka Kotahi as the road controlling authority for SH6) be appropriate / provide a better outcome than seeking individual landowners to coordinate delivery and why? What mechanisms might be applied to allow the Council to recover costs from developers, if appropriate?

26. Yes I consider that Council-led delivery of transport infrastructure would be appropriate and would likely provide a better outcome than an individual developer-led process. However, I understand the Council is not in a position to fund construction, even with the ability to recover the costs from the developers later.

1.12 Given the car parking controls proposed, how would an application for a car parking building within the commercial centre be treated? What consent requirements and policy tests would apply? How would an application for a car parking building outside of the Ladies Mile zone - say Hawthorne / Glenda Drive be treated? What would happen if a group of landowners purchased a vacant residential lot within TPLM and simply used it for car parking?

27. A carparking building in the Commercial Precinct would require an RDA consent under Rule 49.4.18 (buildings for non-residential activities, assuming that the car parking building would charge users) and be subject to the various development standards (height etc). The effects of the building and its uses' traffic generation are not part of the matters of discretion.
28. It might also trigger Chapter 29 (Transport) rules for High Traffic Generating Activities (**HTGA**). The relevant rule, Rule 29.4.11, requires RDA consent for HTGAs, as follows:

29.4.11 High Traffic Generating Activities

Any new land-use or subdivision activity, including changes in use that exceeds the traffic generation standards or thresholds set out in Table 29.5 [sic], excluding in the Airport Zone.

Discretion is restricted to effects on the transport network in relation to:

- a. Integration with the existing transport network;
- b. Measures to reduce traffic generation;
- c. Measures to facilitate modal shift;
- d. any functional and operational needs of the activity to locate in that environment;
- e. Any positive effects on the efficient use or amenity of the site or overall subdivision layout;
- f. Any positive effects on the urban design quality of the land use or subdivision activity; and
- g. Any recommendations from an Integrated Transport Assessment.

This rule shall not apply to Park and Ride and Public Transport Facilities.

29. Rule 29.9 states:

29.9 Thresholds for new high traffic generating activities, including changes of use

Table 29.5			
	Activity	Development type	Threshold
29.9.1	<i>Residential</i>	<i>Residential units</i>	<i>50 Residential units</i>
29.9.2	<i>Visitor accommodation</i>	<i>Visitor accommodation (unit type construction)</i>	<i>100 units</i>
29.9.3	<i>Visitor accommodation</i>	<i>Visitor accommodation (guest room type construction).</i>	<i>150 rooms</i>
29.9.4	<i>Commercial Activities, other than those specifically listed below</i>		<i>2000m²</i>
29.9.5	<i>Office</i>		<i>2000m²</i>
29.9.6	<i>Retail</i>		<i>1000m²</i>
29.9.7	<i>Industrial</i>		<i>5000m²</i>
29.9.8	<i>Mixed use developments, changes of use, and all other activities</i>		<i>50 or more car parking spaces proposed</i>
29.9.9	<i>Mixed use developments, changes of use, subdivision and all other activities</i>		<i>Traffic generation of greater than 400 additional vehicle trips per day or 50 additional trips during the commuter peak hour.</i>

30. The need for consent for a carparking building in the Commercial Precinct under the HTGA rules would therefore not arise unless any of the thresholds were triggered (i.e. either 2000m² under Rule 29.9.4; or 50 carparks under Rule 29.9.8; or the traffic generation threshold in Rule 29.9.9).

31. Given the intent of the TPLM Zone to minimise traffic generation (see Objective 49.2.6 and associated policies) I consider that a carparking building should trigger the need for consent under this rule, regardless of the thresholds.

32. I suggest modifying Rule 29.9, as follows:

29.4.11 High Traffic Generating Activities

Any new land-use or subdivision activity, including changes in use that exceeds the traffic generation standards or thresholds set out in Table 29.5 [sic], excluding in the Airport Zone, and for any carparking building within the Commercial Precinct or Glenpanel Precinct of the Te Putahi Ladies Mile Zone.

33. Note that non-residential activities are (with some exceptions) non-complying activities in the other precincts.

34. An application for a car parking building at Hawthorne / Glenda Drive area (the Industrial A Zone and the Frankton Flats (B) Zone in the Operative District Plan) would be a Controlled activity under Rule 14.2.2.2 (car parking areas) and Rule 11.3.3.2 (Buildings in the Industrial A Zone); or Rules 12.20.3.2 (controlled activity) / 12.20.3.3 (restricted discretionary activity) for buildings in various activity areas in the Frankton Flats (B) Zone.

1.21 How is the development of TPLM (LD, MD, HD, commercial, open space) intended to occur over time? Is it sufficiently coordinated and managed to minimise inefficient outcomes (including a reduction in typologies) and adverse environmental effects (including on and for infrastructure)?

35. As per response to Questions 1.5(e) above, and in addition:

- The Structure Plan manages (adequately, in my view) the spatial layout of development;
- The RDA rule for residential units in the MDR and HDR Precincts (Rule 49.4.4) will ensure a range of typologies (through the matters of discretion and assessment matters);
- Likewise, the RDA rule for subdivision (Rule 27.7.28.1) contains matters of discretion and assessment matters relating to the range of typologies on proposed lots;
- The transport infrastructure staging rules (Rules 49.5.10, 49.5.33, 49.5.50 and 49.5.56) will manage effects on and from infrastructure.

36. In my view these mechanisms will ensure that development is sufficiently co-ordinated and efficient to the extent possible, taking into account the likely lag time before the market is ready for the higher high density development (but noting that this only affects a small percentage (~ 10%) of the HDR Precinct. Ms Hampson's response noted that staging would be unusual. I consider that with the further amendment proposed by Mr Gardiner, staging (as in co-ordination) of stormwater infrastructure can be appropriately dealt with.

1.22 How is the development of TPLM housing (LD, MD and HD) intended to occur over time and how will that link to the development of the commercial precinct? If it is not coordinated and managed then could that result in inefficient outcomes (including a reduction in housing variety) and deliver adverse environmental effects (including on infrastructure)?

37. The residential development will occur in a piecemeal way over time, as landowners / developers organise themselves according to their various agendas. No further regulation is required to manage where or how development occurs, provided that it complies with the TPLM Zone provisions. I consider that any further regulation (such as further spatial staging over time) would be a regulatory intervention-too-far. Similarly, given the original retail demand report submitted with the Variation request, and Ms Hampson's assessment of the Commercial Precinct's viability over time I consider that no further intervention is necessary vis-à-vis managing residential and commercial development.

38. I also note Ms Hampson's view in her response to this question that in these circumstances, the market should be left to take up the TPLM opportunity (provided that development is within the parameters set by the TPLM Zone provisions). In her view "anything that delays establishing a critical mass of new residents (and/or visitors) within the Zone may delay or slow the development of the Commercial precinct in the short-medium term."²

1.23 Is 2,400 dwellings seen as a minimum, maximum or something in between? What are the implications of the answer in terms of transportation and urban design? Do the TPLM provisions as proposed provide suitable clarity of intentions in relation to those same development limits? Would 2,400 dwellings, predominantly consisting of 1-2 bedroom dwellings, have different traffic and infrastructure effects to 2,400 dwellings predominantly consisting of 3-4 bedroom dwellings?

² Paragraph 25 of Ms Hampson's summary.

39. In response to this question Mr Shields has explained that 2,400 dwellings is the maximum number based on the transport modelling assessment. Mr Lowe considers that the Zone could incorporate more housing and density if this transport constraint was resolved, and Ms Fairgray considers that the actual number of dwellings would be less than 2400 because of the market factors affecting high density.
40. The density ranges in Rule 49.5.16 would ensure that development does not exceed 2400 units across the Zone (assuming the schools take up a chunk of the land available), therefore I consider there is worth in retaining the upper limits in the rules, just in case there is any significant market shift favouring higher densities in the short to medium term, and the possibility of a market player such as Kainga Ora taking a role in the TPLM Zone.
41. If the schools do not arise, then there is a need for a cap. I am working with the Council team, and can discuss with the other planners, on the mechanism for and implications of this.

1.24 If TPLM is only one small part of a much bigger passenger transport and traffic management solution, how essential is it that it achieves the identified density targets?

42. Taking into account the transport witnesses' views that the mode shift targets will not eventuate if density (at least a minimum of 40d/ha) is achieved, I consider that the identified density minima are essential.
43. The TPLM Variation can only do what it can do for itself and the Eastern Corridor; it cannot address every other part of the passenger transport and traffic management solution.

1.27 If lower density development occurs in the short term, with higher density in the longer term (if at all) what happens if, at a point in time, the low and medium density opportunities have been maximised, the zone is part-implemented, but there is market rejection of higher density housing and applications for inadequate density are being refused consent. When (if at all) would it become better for the part-implemented zone to 'freeze', even if it means failure to achieve some commercial and other non-residential outcomes due to a lack of sufficient local catchment? Further, when (if at all) would it be better to accept lesser-than-hoped-for densities if that helps provide more on-site non-residential activities such as shops to provide as much public transport support as may be achievable? Do the Plan provisions allow such trade-offs to be made, should they, and if so, how?

44. If it proves that the higher high density is not viable, ever, and if it is seen as necessary, through the public policy process, to adjust the provisions to suit what the market may be doing at that time and for the foreseeable future, then that would

require another plan change, or, more likely, given the timing, a change as part of a District Plan review, to adjust the density provisions.

45. I do not consider that the plan provisions need to contain any trade-off provisions that anticipate and enable every outcome. With the changes we have made to the HDR density rule, the current set of provisions will or should – as anticipated by most if not all of the economics witnesses – be enabling of a significant amount of development over the short and medium term. If in say 10 – 15 years (or more or less) there is clear evidence that the Zone provisions are stifling further development (because, for example, there is no market for the higher high densities) or are otherwise failing, then plan change(s) can address it at that time.

1.28 Are there sufficient planning provisions (objectives, policies and rules) for stormwater and ESC to avoid additional adverse effects on Lake Hayes? If not, what changes are required?

46. The stormwater provisions have been updated further (since the Hearings Version from 27 November) – I will discuss the current version.

1.34 Given the reliance on multiple landowners, what is the risk of a non-integrated stormwater system being delivered? Are there examples of a proposed 'integrated' stormwater system, and its associated planning provisions involving neighbours working together / written approval / limited notification and, if so, how well have they worked, especially with a sensitive and significant receiving environment? In particular, what lessons would the examples provide for the proposed provisions?

1.35 How could the development of TPLM be best staged to deliver an 'integrated' stormwater system (and could this align with potential transport related staging above, and if so how)?

47. Mr Gardiner and Ms Prestidge have considered this question in their summaries and presentations – I rely on their views and consider that the introduction of the requirement for the Catchment-wide hydraulic model, and other measures, will be sufficient.
48. I concur with Mr Gardiner's response to this question which is that staging would be problematic because of the variation in developers' timeframes, and the equity issue arising from regulation that would or could force some developers to proceed early, or late, in the staging. I consider that the mechanisms imposed by the provisions will pose an adequate level of intervention – even if they may present some inefficiencies from notified or limited notified consents – to achieve the desired stormwater outcomes. The potential additional mechanisms discussed in Question 1.36 below

(funding and developer agreements) would also play a role. I would see these sitting outside the District Plan.

1.36 Would Council-led delivery of stormwater infrastructure be appropriate / provide a better outcome than seeking individual landowners to coordinate delivery and why? Was this considered as an option as part of the s.32 evaluation? What mechanisms might be applied to allow the Council to recover costs from developers, if appropriate?

49. In line with Ms Prestidge's and Mr Gardiner's views, a Council-led scenario would be better, but as I understand it, this would require significant up-front funding, which is likely problematic for the Council, even in the situation where development contributions would recompense the Council.

50. However, I defer to Mr Gardiner's discussion of the potential for central government funding under the Infrastructure Funding and Financing Act, which could deliver the works with repayment of the loan by way of a special rate. Mr Gardiner also discusses the use of Developer Agreements to secure commitment and funding.

51. In relation to s32, the stormwater options were addressed generally in the s32 evaluation submitted with the SPP application, and more specifically in Candor3's report *Stormwater Management Options Memo Rev A with costs* April 2022 contained in Appendix 3A to the s32. The options were then further evaluated in Mr Gardiner's EIC.

Other questions from hearing day 27 November:

(Commissioner Munro): Regarding Objective 49.2.6 re. the wording "minimising generation of additional vehicle trips" – does this wording actually reflect the intent of the policies or can it be reworded? I.e. not to achieve perverse outcomes of low density development achieving this objective?

52. I agree with Mr Munro that the policies do the job and do not really reflect the objective, and that the objective could be better worded.

53. The objective states:

49.2.6 Objective - Development in the Zone minimises the generation of additional vehicle trips along State Highway 6, and reduces, as far as practicable, vehicle trips along State Highway 6 generated by the adjoining residential areas at Ladies Mile.

54. Suggested rewording of the objective:

49.2.6 Objective – ~~Development in the Zone minimises~~ Minimise the generation of additional private vehicle trips along State Highway 6, and reduces, as

far as practicable, car dependence and private vehicle trips along State Highway 6 generated by the adjoining residential areas at Ladies Mile by promoting travel mode shift, including by providing for a range of activities to serve residents of the Eastern Corridor and the wider Wakatipu Basin; integrating the TPLM Zone with the existing Eastern Corridor communities through roading and active travel links; providing for efficient and convenient public transport and active transport; and requiring medium and high residential densities north of State Highway 6 to sustain public transport and the commercial and social amenities within the Zone.

55. Notes:

- It was not easy to reword this into a short punchy objective because there are many elements involved that all play a part. I acknowledge that this is now a long-winded objective, but I think that's necessary in the circumstances. It could be broken up by bullet-pointing the various additional components.
- Note that each of those additional components except the last one (re. density) is then served and elaborated on, in that order, by the policies that follow.
- The reworded objective makes it very clear how development in the Zone is to minimise the generation of additional vehicle trips along SH6. An applicant would struggle to argue that a low density residential development would be consistent with the objective because low density is not one of the recognised methods.

(Commissioners Allen and Munro): Objective 49.2.7 – Use of word “attractive” in objective. Is this needed? Or can the witnesses elaborate on what elements feed into whether built environment is “attractive”.

56. Following discussion with the urban designers, agree to delete the word “attractive”, noting that “high quality” is used in the objective and in the policies and “attractive” adds further unnecessary subjectivity.

(Commissioner Munro): Policies 49.2.7.1 – 49.2.7.8 – consider the differences between use of “encourage” or “ensure” and whether these all implement objective, or is consistency of wording needed.

57. Addressed in the following table:

<i>The policies are set out below, with the verbs highlighted:</i>	<i>JB comments:</i>
<p>49.2.7.1 Encourage building design that integrates with public spaces and provides for a pedestrian-friendly environment including active street frontages.</p>	<p>Building design is governed by the matters of discretion and the assessment matters (Rules 49.4.4 and 49.4.18), so “encourage” is appropriate.</p>
<p>49.2.7.2 Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of building layout, public and semi-public spaces, and landscaping.</p>	<p>CPTED principles are included in the assessment matters, therefore “minimise” is appropriate.</p>
<p>49.2.7.3 Acknowledge and celebrate the area’s cultural heritage, including incorporating indigenous vegetation and reference to Manawhenua values, in the design of public and private spaces, where appropriate.</p>	<p>This is governed by matters of discretion and assessment matters, but not required by standards, therefore “acknowledge” and “celebrate” are appropriate.</p>
<p>49.2.7.4 Ensure that the location and direction of lights does not cause significant glare to other sites, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.</p>	<p>This is governed by a specific standard (eg. Rule 49.5.25), so “ensure” is appropriate.</p>
<p>49.2.7.5 Ensure that outdoor storage areas and any carparking areas are appropriately located or screened to limit adverse visual effects and to be consistent with the amenity values of the Zone or those of any adjacent zone.</p>	<p>Outdoor storage is governed by a specific standard (eg. Rule 49.5.40), so “ensure” is appropriate.</p> <p>Parking is governed by a specific standard (Rule 29.5.25), so “ensure” is appropriate.</p>
<p>49.2.7.6 Require all new buildings, relocated buildings and additions and alterations to existing buildings that contain as Activity Sensitive to Road Noise located adjacent to a State Highway to be designed to maintain internal residential amenity values and, in</p>	<p>Activities Sensitive to Road Noise are governed by a specific standard (eg. Rule 49.5.32), so “require” is appropriate.</p>

<p>particular provide protection to sleeping occupants from road noise.</p>	
<p>49.2.7.7 Encourage accessibility through universal design of spaces, to enable ease of use by all potential users.</p>	<p>This is governed by matters of discretion and assessment matters (but not required by standards) (see eg Rule 49.4.4, matter of discretion c.) therefore “encourage” is appropriate.</p>
<p>49.2.7.8 In the Low Density Residential Precinct, ensure that the height, bulk and location of development maintains a low density suburban character and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.</p>	<p>Height, bulk and location are governed by development standards in the LRSRZ, so “ensure” is appropriate.</p>

58. My conclusion from that analysis is that in my view we have landed on the right verb for the right purpose in the policies, and do not think any changes are necessary. The pattern of verbs is consistent with other PDP zones.
59. Note also that the policies are built on in specific areas of the Zone, in Policies 49.2.7.9 – 49.2.7.13.

Dated: 6 December 2023