

BEFORE THE KAIPARA DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a private plan change request by Mangawhai Central Ltd to the Kaipara District Plan (“Plan Change 78”)

STATEMENT OF SUPPLEMENTARY EVIDENCE OF IAN COLIN MUNRO

(URBAN DESIGN)

18 DECEMBER 2020

Counsel instructed:
Ian Gordon
Stout Street Chambers
Level 6, Huddart Parker Building
1 Post Office Square
Wellington 6011

Solicitors acting:
JR Welsh / SJ Mutch
ChanceryGreen
78 Jervis Road
Auckland 1011



INTRODUCTION

Qualifications and experience

1. My name is Ian Colin Munro. I have the qualifications and experience as set out in my evidence in chief dated 6 November 2020.

Code of Conduct

2. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (2014) and I agree to comply with it. In that regard, I confirm that this evidence is written within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF SUPPLEMENTARY EVIDENCE

3. In this supplementary evidence I will clarify and further explain my approach to the issue of Mangawhai's urban design character and how PC78 relates to that.
4. In preparing this supplementary evidence I have listened to the audio recording of the hearing on 25 November 2020 as it relates to the evidence of Mr. James Lunday. I also read the summary statement he presented, dated 24 November 2020. I will not provide any further rebuttal to Mr. Lunday other than to acknowledge the additional example of Rangitahi Peninsula he raised.
5. But suffice it to say that Mr. Lunday's summary statement and verbal discussion with the Panel has not given me any reason to change the conclusions I had given the Panel. In terms of Mr. Lunday's assertions that PC78 lacks a sensitive or thought-through site response, I refer the Panel to the PC78 application documents including my urban design report where the extensive site design and testing process undertaken since 2016 has been explained. In my opinion, PC78 does not suffer from any lack of proper investigation or analysis.

CHARACTER AND 'LOOK & FEEL' OF MANGAWHAI

6. I was asked questions by the Panel relating to my view on Mangawhai's character or 'look and feel'. In summary there are three basic urban design elements that the Panel can consider (in order of most-general to most-specific):
 - a. The spatial extent and form of the area;

- b. The layout of neighbourhoods, streets and blocks; and
- c. The characteristics of building form and appearance.

Spatial extent and form

7. In response to questions from the Panel I explained that Mangawhai was a poly-nodal settlement based on two existing and spatially stand-alone areas (Mangawhai Village and Mangawhai Heads), and a third 'zoned' stand-alone area via the Operative Estuary Estates zone proposed to be changed via PC78.
8. For completeness, the principle of non-contiguous settlement areas is uncommon in New Zealand but is not unknown (usually but not exclusively in response to a natural feature or topography). Examples that come to mind other than Mangawhai are:
 - a. Albert Town as a neighbourhood of Wanaka.
 - b. Wainuiomata as a suburb of Lower Hutt.
 - c. Lower Shotover (including Quail Rise, Lake Hayes Estate and Shotover Country) as a neighbourhood of Queenstown / Frankton.
9. I also explained that in my experience I have seen a number of small settlements changed by way of large-scale re-zonings from time to time. Some have been spatially contiguous or attached to an existing settlement, and others have been 'stand-alone'. I referred to examples in Clevedon village (Auckland), Wanaka, (Queenstown) Waikanae / Waikanae North (Wellington), Pegasus (Waimakariri), and Jacks Point (Queenstown). I remain of the opinion that the scale of additional development to be enabled by PC78 (approximately 500 net dwellings over and above what the Operative Estuary Estates zone enables) is not significant in the context of what I frequently see, including in what could be termed small provincial towns and settlements.
10. Mr. Lunday also introduced another example in his summary statement, Rangitahi Peninsula, Raglan. This provides for 550 sections on 117ha, ranging between 400m² – 1,300m². It appears to be a logically laid-out and well-designed higher-end coastal subdivision. It is a stand-alone development along a locally prominent peninsula that is in my opinion likely to be more visible in its environment, including from the Raglan Golf Club, than PC78 would be in its environment. Respectfully this example does not in my opinion at all address the criticisms of PC78 raised by Mr. Lunday other than that the developer has in that case elected to require architectural consistency by way of a specific building design language and code. I have helped write such documents and am

familiar with them in developments including Jack's Point, Long Bay (Auckland), and Auranga (Auckland). They typically relate to non-resource management issues such as marketing a sense of exclusivity to help attain higher prices (hence they typically sit outside of the District Plan, as the Rangitahi guidelines identified by Mr. Lunday do). For the reasons outlined in my evidence, and I consider agreed with by Mr. Lunday himself, Mangawhai lacks a unified or distinctive architectural character that might have warranted the type of building design guidance he prefers. Where the coastal environment is in play, PC78 does already recognise this and require a specific coastal character response in built form design¹.

11. Whereas the Rangitahi Peninsula example suits comparison with the operative Estuary Estates zone, it is less helpful as a comparison with the actual PC78 proposal. Of the above examples, I consider the most comparable to Mangawhai / Estuary Estates / Mangawhai Heads is the spatial relationship between Woodend and Pegasus in Waimakariri. Pegasus was planned by a developer as a private-led proposition in the 1990s. It is a stand-alone node with a mix of housing densities and an urban character adjacent to the existing developed area of Woodend on what was previously rural land not identified for any future urban use. Pegasus was a project championed and master-planned by Mr. Lunday. Pegasus, once fully built-out, will contain approximately 1,500 dwellings and is hence considerably larger than PC78.
12. Given that a resource consent has been granted in Sub-Zone 1 of the existing Estuary Estates zone for a commercial village centre, and that it is in the process of being implemented (the Commissioners will have seen the base of the 'main street' laid out during their site visit), I suggest that this can be regarded as part of the existing environment insofar as it relates to the legitimacy of the 'third' node in Mangawhai located at the Estuary Estates site.
13. Each of Mangawhai's three nodes have their own characteristics:
 - a. Mangawhai Village is a flatter grid-based node although new development is starting to push up into the hills around the basin.
 - b. Estuary Estates (the existing zone) has a large-scale commercial centre and residential development on its western side that graduates downwards in density outwards and away from that.

¹ See Rule 16.7.1-1 and design guidance at 16.17.2.

- c. Mangawhai Heads has a more characteristically 'dunal' quality of housing that spreads up and across the hills, valleys and ridges following the undulating coastal landform.
14. In this context PC78 builds on but follows the underlying concepts of Estuary Estates of a prominent commercial centre with residential density planned to then radiate outwards from that. The additional 500 dwelling units² (approximate maximum) to be enabled will, to a considerable extent (approximately 244 of the additional 500), be located on the flat 'bowl' of the Site and largely out of sight from any external view point.
15. An additional 110 dwelling units maximum³ could locate on the Site's flank, which would also be largely out of public sight other than a very small number of existing dwellings elevated on the hill by Old Waipu Road. The remaining 146 maximum additional units could locate on the elevated saddle and slope of the Site and these would be visible from parts of Mangawhai in the broader landscape.
16. In my opinion it is only the additional 146 (maximum) dwellings on the saddle and slope parts of the Site, over and above the 89 units on these areas currently enabled by Estuary Estates, that could contribute to any materially 'changed' built form character to the Operative zone in the wider environment. I agree that the change from 89 to a maximum of 235 units⁴ is of itself more than a doubling of development. But in the context of the overall scale of Mangawhai Village, Estuary Estates and Mangawhai Heads I do not regard it as significant or problematic.
17. When I compare that proposed level of development to what the Estuary Estates zone already provides for, it is not 'game changing'. But it would have a plainly 'urban' overall character. The qualities of that urban character have been carefully referenced to match the lot sizes typical in Mangawhai and Mangawhai Heads (500m² – 1,000m²) so as to not appear alien or out of place. I remain of the opinion that this is compatible and appropriate, and also reflects part of how PC78 does respond to its environmental context.
18. In terms of the open space that the operative Estuary Estates zone seeks on the flank, saddle and slope parts of the Site, I do not consider that open space to form part of any existing or important open space or natural feature in the wider environment that would become suddenly disrupted or lost as a result of PC78. Much of that open space was dependent on modification and revegetation as part of development to achieve the

² This has been identified by comparing the operative Estuary Estate planning maps with the PC78 concept master plan.

³ In addition to the 40 enabled by the operative Estuary Estates zone.

⁴ 89 zoned units maximum plus 146 additional units maximum.

landscape qualities sought by the operative Estuary Estates zone framework. The ecologically and environmentally important parts of the Site, including the escarpment feature separating the bowl from the saddle, are still proposed to be fully protected and free of development.

19. For the above reasons I do not consider any further change to PC78 is required.

Layout of neighbourhoods, streets and blocks

20. In response to a question from the Chair, I discussed the importance of Appendix 25A of the District Plan, the Mangawhai Design Guidelines, in my assessment. I discussed how that document relates more to subdivision design than specific building design. In my opinion the Mangawhai Design Guidelines cover all relevant matters and set out clear design priorities that should be followed.

21. A key part of Appendix 25A is Part 4: *Creating Neighbourhoods – Sustainable subdivision*. This addresses such matters as:

- a. Ensuring that the natural drainage patterns of the land are respected and integrated into development, including capability for any necessary storage or attenuation in a way that avoids visually engineered solutions (see 4.1.2 – 4.1.4 of the Guidelines);
- b. The layout of roads to follow the landform and not be artificially rectilinear (see 4.1.5 of the Guidelines);
- c. Seeking to develop with the landform and integrate slopes rather than visually artificial and obvious retaining walls (see 4.1.5 of the Guidelines and also 4.2.3 of the Guidelines);
- d. Placing building platforms to visually limit visual exposure or visual effects generally (see 4.1.6 of the Guidelines); and
- e. Integrating roads and blocks with natural features and open spaces based on a flat grid on flat land, and an informal grid for sloped land (see 4.2.1 and 4.2.2 of the Guidelines).

22. Part 5 of the guidelines provides more explicit guidance to matters of coastal access, protecting important open space features, creation of connected green networks of open spaces and street design. PC78's structure plan was prepared so as to achieve these, but they are still relevant to subsequent resource consent applications.

23. It has been my understanding, based on the structure of the District Plan, that Appendix 25A would be considered by the Council when it assesses any relevant resource consent application for subdivision within the District. It has also been my understanding that the same process would occur under PC78 but in fairness the proposed Chapter 16 provisions do not make an explicit reference to it.
24. Having considered the concerns of the submitters and the questions of the Panel, it does seem that there remains uncertainty as to what built form character development of the Site under PC78 (in particular the subdivision stage) should achieve.
25. In my opinion the key issue here is that the design guidelines proposed within the Estuary Estates zone at Appendix 16.1 were written to sit alongside and complement Appendix 25A on the presumption that both would apply. For that reason, the 16.1 guidelines purposefully do not replicate the 25A guidelines.
26. At 16.1.4 it is confirmed that Appendix 16.1 is to be used as assessment criteria to help assess all relevant resource consents (including land use and subdivision, irrespective of activity status).
27. I have identified that changes to PC78 would be desirable to reduce the character-related uncertainty that exists. To that end I have considered the provisions and how to most effectively and efficiently address this uncertainty. I recommend that:
 - a. No changes to the zone objectives, policies or restrictions of discretion are necessary.
 - b. Assessment criterion 16.7.4.1(a) should be duplicated at 16.10.8.2 so as to make explicit that subdivision is also to be designed in accordance with the design guideline.
 - c. Appendix 16.1 should be amended by adding at 16.1.1 the following:

“The Mangawhai Design Guidelines at Appendix 25A of the District Plan are incorporated into and form a part of Appendix 16.1 for assessment purposes.”
28. A marked-up version of the provisions containing the above is attached to the supplementary evidence of Mr. Tollemache. In my opinion, this should resolve uncertainties and allay concerns about development within the zone not properly contributing to the character of Mangawhai.

29. Finally (with respect to the layout of neighbourhoods, streets and blocks), including for the reasons outlined above – and also with reference to my evidence in chief and rebuttal statement – I strongly disagree with any notion that PC78 will enable “cookie cutter” development. I consider that, through the range of mechanisms I have outlined, PC78 responds appropriately to its coastal Mangawhai setting. For the avoidance of any doubt, while I consider that the Mangawhai Central concept masterplan is a useful analytical tool, the concept masterplan alone (comprising a high-level plan perspective) does not convey a detailed sense of what the character and “look and feel” of the type of development enabled by PC78 will be on the ground (nor was it intended to).⁵

Building stock characteristics

30. I agree with Mr. Lunday’s comments to the Panel that Mangawhai has a very diverse architectural stock of buildings and that there is no unifying or ‘typical’ Mangawhai style. This is in line with comments made by both myself, and Mr. Riley on behalf of the Council.
31. However, the coastal setting and informality of Mangawhai has still influenced the Estuary Estates Design and Environmental Guidelines for development within sub-zone 1. In my opinion this remains appropriate and desirable from the point of view that the coastal qualities of Mangawhai and its informality should be expressly recognised in sub-zone 1 bearing in mind that it enables larger-scale commercial buildings (much larger than a typical dwelling) close to Molesworth Drive and that may be in prominent public views from Molesworth Drive. I have previously also referenced that part of the proposed zone that would sit within the RPS coastal environment area, and the built form character provisions that would apply to that.
32. I remain of the opinion that no additional built form controls or guidelines are warranted.

CONCLUSIONS

33. I have considered concerns expressed at the hearing relating to uncertainty and built form character outcomes. I confirm that what I consider to be important and relevant design outcomes expressed in the existing Appendix 25A of the District Plan have been relied on in my assessment of and support for PC78. There is no disagreement that an appropriate and compatible built form character should be required of development within the zone.
34. I remain of the opinion that PC78 will be consistent and compatible with the existing situation of two existing and one additional zoned (and partially consented) stand-alone

⁵ Refer to paragraphs 15-21 of my rebuttal statement for further explanation regarding the PC78 concept masterplan.

and, overall, urban-character nodes of development. Together these comprise 'Mangawhai'.

35. In the interests of seeking to reduce uncertainty, I have considered how a more direct reference to the design principles in Appendix 25A could be achieved within Chapter 16. As a part of that I have identified that it would be possible to make a stronger linkage between Appendix 25A and the assessment of subdivision consent applications, and the Appendix 16.1 guidelines themselves. This would be desirable and I recommend that this occur.
36. In my opinion it would be effective, efficient and appropriate to make a direct reference to Appendix 25A within Appendix 16.1 and confirm that the Appendix 25A guidelines form a part of Appendix 16.1. This would ensure that all of that material would be required to be considered at the same time, and on the same footing, as the Appendix 16.1 guidelines.
37. On the basis of the above I consider that the Panel could have more confidence that PC78:
 - a. Is of an appropriate scale, form and extent;
 - b. Will be compatible with the existing '2+1' poly-nodal character of Mangawhai as a whole, and will not significantly change the overall character of the settlement in the wider environment when considered against the generally urban character that the existing 89 units enabled on the saddle and slope parts of the Site already provide for and that the Mangawhai Village and Mangawhai Heads areas already exhibit;
 - c. Will be developed to include a subdivision pattern that is sympathetic to natural patterns and that is in-line with the existing guidance for such within Appendix 25A of the District Plan.

Ian Colin Munro

18 December 2020