

**Before the Independent Hearings Panel
At Wellington City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Wellington City District Plan

**Statement of evidence of Dr Farzad Zamani on behalf of Wellington City
Council (Urban Design)**

Date: 1 March 2023

INTRODUCTION

- 1 My full name is Farzad Zamani. I am employed as the Urban Regeneration and Design Manager at Wellington City Council. Prior to this I held the position of Manager of the Council's Urban Design Team (RMA). This is a position that comes under the umbrella of my current role.
- 2 I have prepared this statement of evidence on behalf of the Wellington City Council (the **Council**) in respect of technical related matters arising from the submissions and further submissions on the Proposed Wellington City District Plan (the **PDP**).
- 3 Specifically, this statement of evidence relates to the Design Guides incorporated at Part 4 of the PDP, and the planning framework within the residential chapters, including the High Density Residential Zone (HRZ), Medium Density Residential Zone (MRZ) and Large Lot Residential Zone (LLRZ).
- 4 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS AND EXPERIENCE

- 5 I hold the qualifications of Bachelor of Architecture, Master of Architecture (Design) and PhD in Urban Design.
- 6 I have worked for Wellington City Council for 2 years and 9 months. Previously, I have worked both in private practice and academia for more 5 years.
- 7 I am a member of Urban Design Forum National Committee, NZIA, Urban Development Institute of New Zealand and I am a certified hearings commissioner.

CODE OF CONDUCT

8 I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court, which came into effect on 1 January 2023. 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 Environment Court. 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.

INVOLVEMENT WITH THE PROPOSED DISTRICT PLAN

9 As the manager of the Council's Urban Design Team (RMA), I have been involved in the development of the PDP since I joined the Council in October 2020. I have led the review of the Design Guides and have provided urban design advice to the District Planning Team throughout the period of the District Plan Review.

10 In addition to preparing the suite of Design Guides, the team has assisted with the development of specific objectives, policies, rules and standards throughout the zone-based chapters of the District Plan.

11 Specifically, I have provided advice in relation to the following:

- Significant height changes
- Separation and building depth (as more effective and achieving better outcome than site coverage)
- Communal outdoor living space – 64m² minimum and reinforce why the 8m minimum dimension is necessary
- Boundary setbacks
- Maximum height exclusion for a pitched roof
- Front fence standard
- Fence adjoining open space standard
- Purpose and benefit of the minimum unit size standard

SCOPE OF EVIDENCE

- 12 My statement of evidence addresses the following matters:
- i. Overview of the Design Guide content
 - ii. The placement of the Design Guides within the Proposed District Plan
 - iii. The proposed City Outcomes Contribution
 - iv. Whether resource consents should be assessed by Urban Design Panels
 - v. Repetition between the Design Guides
 - vi. Repetition within the Design Guides
 - vii. The Design Guides 'Introduction' chapter and the how the Design Guides are intended to be used
 - viii. Submissions relating to specific standards in the Residential Chapters of the Proposed District Plan
 - ix. Character Precincts
 - x. Summary and Conclusions
- 13 In my evidence I speak to each of these issues at a high level, and do not comment on individual submission points.

OVERVIEW OF THE DESIGN GUIDE CONTENT

- 14 The PDP includes the following Design Guide chapters:
- Introduction
 - Centres and Mixed-Use Design Guide
 - Residential Design Guide
 - Heritage Design Guide
 - Signs Design Guide
 - Subdivision Design Guide
 - Rural Design Guide
- 15 Note that Design Guides for Character Precincts, Mount Victoria North and Papakāinga are located within the Residential Design Guide.

16 While it is intended that there be one 'Design Guide' with each component being a chapter of the whole, the guides listed above are accessed separately through the PDP and are commonly referred to as separate Design Guides. As such, in this evidence I refer to the suite of Design Guides collectively as 'the Design Guides'.

THE PLACEMENT OF DESIGN GUIDES WITHIN THE PROPOSED DISTRICT PLAN

17 A theme coming from the submissions is that the Design Guides, while valuable, should be non-statutory and sit outside of the PDP. In my view, the Design Guides should remain within the PDP. I have elaborated the reasons for this recommendation below:

17.1 **Consistency in processes:** Historically, the Design Guides have been part of Wellington District Plan and maintaining this relationship between the District Plan and the Design Guides, will provide the applicant, the public and resource consent planners with consistency and clarity when applying the standards and the Design Guide to an application.

In my view, removal of the Design Guide from the statutory context of the Proposed District Plan would lead to confusion and a complex transition from the Operative District Plan to the future state. Furthermore, if the design guidelines are integrated into the Proposed District Plan as standards, further complication of standards can occur as some of the standards need to cover different aspects of a matter or new standards need to be introduced, the roles and responsibilities of resource consent planners and urban designers overlap, and the applicants would have to follow every design standard with no flexibility to achieve quality outcomes in different ways. This may result in the discretion of urban design advisors to be unrestricted as there is no statutory baseline or framework for their assessment and the process to become an onerous and lengthy one.

17.2 **Consistency in urban design assessments:** Keeping the Design Guides within the District Plan, provides the urban designers with a baseline and clear method for assessing complex design solutions. The proposed Design Guides are outcome and principal based, with clear guidelines on how to achieve such outcomes. This will encourage collaboration between the Council and the applicant to achieve good outcomes. The Design Guide allow the applicant and urban design advisors to be flexible in how such outcomes are achieved, it defines the discretion and limitations of urban design assessors in line with the Council and the Proposed District Plan strategic directions. Considering various urban designers with diverse backgrounds and expertise assess similar or very different applications, it is crucial that a clear baseline is set for what is a “good outcome” or “good urban design” to avoid subjective assessments that can slow the consenting process or contradict the Council’s objectives of enabling developments for well-functioning urban environments.

17.3 **Quality and well-function urban environment:** One of the key objectives of having a strong yet enabling set of design guides within the District Plan is to ensure high quality and well-functioning urban environments, as required by the National Policy Statement on Urban Development 2020 (NPS-UD) and as expressed as desirable by Wellingtonians through the Draft and Proposed District Plan. The inclusion of the Design Guides as statutory documents within the District Plan ensures clear outcomes. Ways to achieve them are set out as part of the District Plan and they will be enforceable when the plan is operative.

THE PROPOSED CITY OUTCOMES CONTRIBUTION

18 City Outcomes Contribution has been introduced through the PDP at G137 of the Residential Design Guide and G97 of the Centres and Mixed

Use Design Guide. The City Outcomes Contribution applies in the High Density Residential Zone, the City Centre Zone and the Metropolitan Centre Zone and is a mechanism for assessing over-height buildings within these zones to ensure high quality design outcomes. The City Outcomes Contribution is referenced in the policy frameworks for the respective zones.

19 While some submitters support the City Outcomes Contribution, others seek that it is deleted from both the policy framework of the zone chapters in the PDP and the applicable Design Guides.

20 In my opinion the City Outcomes Contribution should be retained, and is best placed within the Design Guides, for the following reasons:

21 The intention of the City Outcomes Contribution guidelines is to provide developers with an incentive and guidance on how to achieve better design outcomes for the city and Wellingtonians. It is not a set of standards to be followed strictly and only applies to over height buildings in certain zones. It replaces the Design Excellence policy in the Operative District Plan (policy 12.2.2.5) which, as expressed by the public and professionals during consultation on the PDP, is a complex and vague policy. In the absence of a definition of 'design excellence', assessments of design excellence were in many cases dependent on the subjective interpretation of the urban design advisor assessing a resource consent application. To avoid the same problem, clear measurable indicators are introduced in the Residential Design Guide (G137) and Centres and Mixed Use Design Guide (G97) to provide the applicant and the advisors with a certain path to better quality outcomes.

22 However, I do accept that certain indicators and how they could be measured can be clarified and I recommend further amendments to this in the relevant Design Guides.

23 The City Outcomes Contribution will be addressed in detail in Hearing Stream 4.

WHETHER RESOURCE CONSENTS SHOULD BE ASSESSED BY URBAN DESIGN PANELS

- 24 Some submitters contend that all applications assessed under the Design Guides should be assessed by independent urban design panels. This has been considered through the process and currently we are working on operational matters regarding establishing the Wellington Urban Design Panel and we will be asking the Council to provide adequate funding for this in the next Council Long-Term Plan. This is a matter that sits outside of the PDP and in my view should not be included in the planning framework.

REPETITION BETWEEN THE DESIGN GUIDES

- 25 Some submitters have commented that there is unnecessary repetition between the Design Guide chapters (in particular the Residential Design Guide and Centres and Mixed Use Design Guide), and that these could be streamlined to avoid unnecessary duplication.
- 26 The rationale for repetition in different chapters of the Design Guide, is in how different chapters of the Design Guide may be used by applicants for different developments or activities. For instance, for a commercial development in the City Centre Zone, only the Centres and Mixed-Use Design Guide would be applied, and for a residential development in the High Density Residential Zone, only the Residential Design Guide would be considered, while for a commercial and residential development in a suburban centre, both of the above guidelines will be used to assess the application. Therefore, for consistency and to ensure the same high-quality outcomes are achieved, regardless of the zone or activity, some of the Design Guides had to be repeated.

REPETITION WITHIN THE DESIGN GUIDES

- 27 Submitters have commented that there is unnecessary repetition within particular Design Guides (in particular the Residential Design Guide and

Centres and Mixed Use Design Guide), and that certain guidelines could be removed and/or consolidated.

- 28 I acknowledge that there is some repetition within the respective Design Guides. This is due to the way the overall Design Guide is organised. The outcomes, objectives and the design guides are structured based on scale and the level of impact of a development; the impact on the environment, wider area (ie the neighbourhood), the site and the building. Therefore, some aspects of the design or guidelines, such as landscaping or safety, have different meanings in different scales. This has resulted in having the same guideline but under different scales. For instance, the designers need to consider the issue of safety while they are master planning the site in addition to when they are designing each building.

THE DESIGN GUIDES 'INTRODUCTION' CHAPTER AND THE HOW THE DESIGN GUIDES ARE INTENDED TO BE USED

- 29 I have noted that some of the submissions are concerned with the way the Design Guides will be used as a rule book, or how they are to be interpreted. These issues are clearly explained in the Design Guides, for instance, in terms of the flexibility or the rigidity of the design guides, the Introduction chapter states: *"While the Design Guides are ultimately outcome-focused, specific guidance should not be used as a strict template or planning rules, nor should it reduce the potential diversity of design approaches taken."*
- 30 I have noted that this oversight may have been caused by lack of accessibility to the Introduction chapter. Hence, I recommend including these key points in the introduction to each specific Design Guide, so that applicants and resource consent planners can use the Design Guides the way they are intended to be used.

SUBMISSIONS RELATING TO SPECIFIC STANDARDS IN THE RESIDENTIAL CHAPTERS OF THE PROPOSED DISTRICT PLAN

- 31 As noted previously in this evidence, I have been involved in the development of the residential objectives, policies, rules and standards. In this section I will comment on submitters' concerns regarding specific residential standards.
- 32 During the development of the PDP, my advice on these standards was based on two objectives; achieving high quality living environment for future residents of the city and enabling more housing aligned with the purpose of NPS-UD. Below I have explained some of the rationale for including the standards set out below in the HRZ, MRZ and LLRZ.
- 33 **Significant height changes:** I believe the height limits standards or lack of in themselves are not a good indication of appropriate outcomes or design. The height limits in the PDP have changed significantly, however, I believe there are a range of other standards and the Design Guides that ensure these changes will not decrease the level of public amenity and quality of life for the future residents and the existing context. Therefore, it is critical to consider these height changes in relation to the residential standards and Design Guides. In this way, we meet the requirements of NPS-UD, while ensuring high quality residential and urban design outcomes.
- 34 **Separation and building depth:** The combination of having a minimum separation between the buildings and a maximum building depth is more effective tool to ensure both public and private amenities and achieving better outcome than site coverage. Maximum building depth will encourage the buildings to be placed at the front of the site and prevent long buildings into the site, facing the neighbours. This will ensure most living spaces are either facing the street or the communal courtyards. It also prevents having blank walls along the street edge. This provides the street with passive surveillance and a more refined urban grain. The separation between buildings ensures buildings are not placed closed to each other in a way that compromises the privacy of residents and their

access to daylight. Also, the space created by this separation can be used as communal space between the buildings adding to the communal amenities of the residents. These standards are neutral to the size of the site and are aimed to achieve the best outcomes, while site coverage standards may benefit developments with larger sites.

35 **Communal outdoor living space:** I agree that there is a lack of clarity in the PDP's outdoor living space standard in relation to the provision of communal outdoor living spaces. In my view the standard should require a 64m² minimum area of communal outdoor living space, with minimum dimensions of 8m. The requirement for a communal outdoor space may only apply when applicant cannot provide private outdoor space due to different reasons. In order for this communal space to function for number of households, I have considered that a minimum dimension of 8m by 8m is required, to both enable small social gatherings or outdoor activities (ie light exercise) without compromising the comfort or privacy of adjoining units. With a minimum of 8m by 8m in dimension, the minimum for a communal space would be 64m².

36 **Boundary setbacks:** The PDP as notified excluded the MDRS yard setbacks, aside from the rear yard setback requirement, for 1-3 units. In response to submissions we have decided to bring this back into the District Plan and to align with the MDRS, with the exception of front yard setbacks where it is not considered that this is necessary because it is a high density residential environment and it is considered to be an efficient use of land. I consider that buildings in high density areas do not necessarily need to have front setbacks, as in high density residential environment, similar to suburban centres, the private realm can have a closer interaction with public realm, improving passive surveillance and adding the vibrancy of the street as seen in the international contexts. This also would create a continuous building line that define the street and significantly improve the accessibility of the environment for people with low vision. The potential issue of privacy and noise can be addressed through good design and appropriate materials and minimal

front setbacks (ie 1m) will not make any difference in terms of noise or privacy.

- 37 **Maximum height exclusion for a pitched roof:** This exclusion in the standard will provide the designer with flexibility to create a dynamic and attractive skyline for the city. Lack of the exclusion can lead to adverse effects on the building as some applicants may try to fit a building in within the height by compromising the floor to ceiling height of each floor and this could also lead to a monotonous skyline.
- 38 **Front fence standard:** One of the key objectives of the Design Guides is to ensure the city and its public realm is well designed and safe. To achieve this, it is essential that there is a strong connection between the private realm and public realm. This connection provides the pedestrians with passive surveillance improving safety and sense of safety and also this creates a sense of social connection which can lead to a sense of belonging between residents. The standard is included in the residential zones as the Design Guides will not apply to all developments. To ensure the relationship between public and private realms is maintained, I believe the front or public facing fences of residential dwellings must be at a low height to create a visual and social connection between residents and people on street. To ensure the privacy of the residents, the applicant may include extra height to the fences that are 50% transparent.
- 39 **Fence adjoining open space standard:** In response to some submission raised in relation to fence heights for properties adjoining open space areas, for similar reasons to that described above, I consider that it would be beneficial to introduce a specific standard in relation to a shared boundary with open space that maintains on-site privacy whilst also providing for passive surveillance over public space.
- 40 **Purpose and benefit of the minimum unit size standard:** To accommodate future growth in Wellington, it is essential that we transition to higher density living. To make this transition and

transformation more appealing and to avoid significant physical, social and mental problems, it is critical that the high-density residential environment is designed to a high quality. One of the key and fundamental factors to achieve this quality is to ensure apartments are of an appropriate size, so their future residents can live in there comfortably and permanently. Minimum unit size standards introduced in the Proposed District Plan aims to provide future residents with the least amount of space that is needed to have a comfortable life. These minimums are lower than international standards, however I believe they will be a first step in improving quality of higher density living.

CHARACTER PRECINCTS

41 This section of my evidence relates to the concerns raised regarding the Character Precincts appendix to the Residential Design Guide changes.

42 In general, and in line with District Plan's Character Precincts changes, the Design Guide (ie appendix to the Residential Design Guide) for these precincts are summarised and simplified to provide applicants with a more cohesive, easy to understand and targeted guidelines.

43 There are a limited number of instances where in response to submissions from Wellington Heritage Professionals, references to "original" or "originality" have been either replaced by or sit side-by-side with reference to "Pre-1930". Such changes have been made where they are contextually appropriate and, in some instances, references to "original" or "originality" have been retained as notified in the PDP. In addition, this enables a better process of assessment of alteration applications, as the term "original" could be vague and could be interpreted subjectively. I am of the view these changes are appropriate and maintain the intent of the Character Precincts appendix to the Residential Design Guide.

44 The focus of the Character Precincts appendix to the Residential Design Guide is limited to areas with high character value in the PDP. The only

area-specific Design Guide is for the Mount Victoria North Townscape Precinct (as a separate appendix to the Residential Design Guide). This is due to unique and specific “townscape” qualities of this area that has required a special and different attention.

SUMMARY / CONCLUSIONS

- 45 I have prepared this report in support of the Design Guide Review changes and decisions made after receiving and reviewing the submissions and further submissions on the PDP.
- 46 Firstly, I advise that the Design Guides must be retained as statutory documents within the District Plan to ensure better quality urban outcomes and a well-functioning urban environment while enabling more housing and urban development for the anticipated growth. In addition, this ensures consistency and certainty during the assessment of resource consent applications.
- 47 The use of the Design Guides has been raised as one of key issues in submissions. My evidence has clarified that the Design Guide (in its totality) is structured and designed to be used as an outcome-based guideline and not a rule book. It provides a clear method to diverge from the applicable Design Guide and achieve good urban outcomes through creativity and innovation. My evidence has concluded that this aspect may have been missed by the submitters as it is explained in the Introduction Chapter, and this can be further emphasised throughout different chapters.
- 48 Lastly, my evidence has provided a rationale for a number of District Plan standards. The main rationale and objective behind a number of these standards is to achieve better urban and public amenities that ensure the collective well-being of our communities. These changes are based on combination of studies, practicality of construction and enabling high quality urban intensification.

Date: 1 March 2023

Dr. Farzad Zamani

A handwritten signature in black ink, consisting of a large, sweeping initial 'F' followed by the name 'Farzad Zamani' in a cursive script.