

**Before the 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

Between **Various**

Submitters

And **Wellington City Council**

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

Date: 26 May 2023

INTRODUCTION

- 1 My full name is Farzad Zamani. I am employed as the Te Ngakau Programme Manager at Wellington City Council but I was formerly 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 commercial and mixed use chapters, including the City Centre Zone (CCZ), including Te Ngākau Civic Square Precinct (Te Ngākau), Appendix 9, Metropolitan Centre Zone (MCZ), including Development Area 1: Kilbirnie Bus Barns (DEV1), Local Centre Zone (LCZ), Mixed Use Zone (MUZ) and Commercial Zone (COMZ).
- 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 11 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 RMA 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 former 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 been led the review of the Design Guides and 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:
- a. City Outcomes Contribution
 - b. Zone boundary extents
 - c. Significant height changes and minimum building height

- d. Minimum ground floor height requirements
- e. Separation and building depth (as more effective and achieving better outcome than site coverage)
- f. HIRB changes
- g. Outdoor living space – 64m² minimum and reinforce why 8x8 is necessary
- h. Minimum sunlight to public space
- i. Purpose and benefit of the following standards:
- j. Minimum ground floor height
- k. Minimum sunlight access to public space
- l. Verandah control
- m. Active Frontage Control and non-residential activity frontage control
- n. Minimum residential – unit size
- o. Residential - outdoor living space
- p. Minimum building separation distance
- q. Maximum building depth
- r. Outlook Space

12 I am now the Te Ngakau Programme Manager. Due to my conflict of interest I cannot comment on Te Ngakau civic square precinct provisions.

SCOPE OF EVIDENCE

- 13 My statement of evidence addresses the following matters:
- a. Rezoning requests made through submissions
 - b. The proposed City Outcomes Contribution
 - c. Whether resource consents should be assessed by Urban Design Panels
 - d. Submissions relating to specific standards in the Centres and Mixed Use Chapters of the Proposed District Plan
 - e. Summary and Conclusions

- 14 In my evidence I speak to each of these issues at a high level, and do not comment on individual submission points.

REZONING REQUESTS

City Centre Zone (CCZ):

- 15 In the CCZ I note there have been several requests to rezone sites and areas from CCZ to Medium Density Residential Zone or High Density Residential Zone.
- 16 I agree with Ms Stevens in her assessment that no CCZ zoning changes are to be made. I believe that down-zoning these areas will not lead to better design outcomes or better public amenity. From an urban design point of view it is critical to have the highest density of users with close proximity to work places, transportation hubs and key services and infrastructure.
- 17 Downsizing these areas can result in negative outcomes including urban sprawl effects for the city which more places more strain on infrastructure, environment and the quality of the urban environment. Medium density within the central city will not fit well within the architectural, social and urban fabric. With a long term view, these areas will be surrounded by higher density areas, creating a miniature 'basin like' effect within the urban fabric, which will affect the amenity and quality of life both for people within the medium density areas but also the adjoining buildings.
- 18 Considering the future investment plans of the Council for some of the areas suggested for down-zoning, I believe the future urban form of these areas should be the basis for density and subsequently the provisions of the Plan. For instance, Kent and Cambridge Terrace will be part of a critical transportation route and piece of infrastructure, with

complete different functions and amenities and therefore it is critical that the zoning around this corridor would reflect this future state and enable density as intended by NPS-UD.

Other Centres Zones:

- 19 I refer to my comments in paragraph 40 of my evidence regarding submissions seeking rezoning of Centres and Mixed Use Zoned sites and height change requests.

THE PROPOSED CITY OUTCOMES CONTRIBUTION

- 20 City Outcomes Contribution has been introduced through the PDP at G137 of the RDG and G97 of the CMUDG. The City Outcomes Contribution applies in the High Density Residential Zone, the City Centre Zone, the Metropolitan Centre Zone, the Local Centre Zone and the Neighbourhood Centre Zone and is a mechanism for assessing over-height buildings and under-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. I note that the Design guides are currently part of a separate but related review process as instructed by the Panel.
- 21 The S42A reports suggest a change in the location of the City Outcomes Contribution detail from being housed in the Design Guides to instead being placed in a new appendix within the Plan. I support this change. I consider this change will provide greater clarity while maintaining the ability to achieve its intended outcomes.
- 22 I also acknowledge the changes recommended in the Overview S42a report and the CCZ s42a report which remove maximum height limits in the CCZ. Instead CCZ-S1 is renamed to 'City Outcomes Contribution

Height Threshold' standard. This change means that there would be no building heights limits in the CCZ and any developments that go beyond the notified PDP building height limits are required to make a City Outcomes Contribution. I note that in the notified plan, there was no upper limit on how much the 'maximum height limits' could be exceeded so long as the city outcomes contribution points were achieved. The development would remain a restricted discretionary activity, and not cascade to a more restrictive status, such as non-complying. In this way the maximum height limits essentially acted as a 'threshold' anyway.

23 I support unlimited building heights in the CCZ because height in isolation is not a driver for positive or negative outcomes. The way that the height and the development is designed defines whether there are positive or negative outcomes. Unlimited building height can also lead to better design outcomes as it enables more flexibility and accommodates different design solutions. On the other hand maximum building heights can result in undesirable design solutions to meet the desired commercial outcomes and yield. For example, buildings with very low floor to ceiling height which results in lack of flexible uses within the building and degradation of general wellbeing of building residents and occupants.

24 I note that the thresholds for City Outcomes Contribution have been refined to under height (under CCZ-S4 minimum building height), over the height threshold for CCZ-S1, and in the remaining zones over the maximum building heights. I note that the number of units as a threshold is removed, as well buildings considered to be comprehensive developments. I understand that this is to enable more housing development and I support this change.

25 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.

26 In my opinion the City Outcomes Contribution should be retained for the following reasons:

27 The intention of the City Outcomes Contribution is to provide developers with an incentive and guidance on how to achieve better design outcomes for the city and Wellingtonians. 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, was 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 were introduced into the PDP and are now proposed to be moved from the Residential Design Guide (G137) and Centres and Mixed Use Design Guide (G97) to a new appendix, to provide the applicant and the advisors with a certain path to better quality outcomes.

WHETHER RESOURCE CONSENTS SHOULD BE ASSESSED BY URBAN DESIGN PANELS

28 Some submitters support the use of an independent urban design panel. 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.

I note that the changes proposed to the City Outcomes Contribution suggest deleting urban design panels from the outcomes and instead have proposed that a new method be added to the applicable zones. This method notes that Council will seek to establish and facilitate an independent urban design panel. In my evidence for Hearing Stream 2 I noted that a design panel was a matter that sits outside the PDP and should not be included in the planning framework. I still consider this to be the case, but in looking to proactively respond to submissions, raising the profile

and of the Council's intention to take steps to establish an urban design panel through a non-statutory method is in my view acceptable.

SUBMISSIONS RELATING TO SPECIFIC STANDARDS IN THE COMMERCIAL AND MIXED USE ZONES CHAPTERS OF THE PROPOSED DISTRICT PLAN

29 As noted previously in this evidence, I have been involved in the development of the commercial and mixed use objectives, policies, rules and standards. In this section I will comment on submitters' concerns regarding specific commercial and mixed use standards.

30 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 enable 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 CCZ, MCZ, LCZ, NCZ, MUZ and COMZ.

31 **Minimum ground floor height:** I agree with Ms Stevens and Ms Hayes that this standard provides necessary flexibility for a variety of ground floor activities over time. I note the submission points [249.35, 249.36] from Stratum Management Limited sought a change to the standard for residential buildings within these zones to be changed from 4m to 3m. I do not support this change as the ground floor of these buildings within these zones may change to commercial uses which require higher heights.

32 **Verandahs:** I do understand the intention of the submission points by Craig Palmer [492.38, 492.39, 492.40, 492.41]. However, clear glazing verandahs if not designed and maintained well can lead to worse outcomes than having opaque glazing. Also clear glazing without adequate structural support can pose a public safety risk. The main purpose of having verandahs is to provide shelter from adverse weather. Therefore, I believe they are best located on the north sides

of streets as they will provide shelter whilst not blocking the sunlight to the ground floor of the southern side of the street.

33 **Active frontages** I noted some submitters sought to add an exclusion for pedestrian access, vehicle access and public space. Whilst I am comfortable with exclusions for pedestrian and vehicle access I do not agree with an exclusion for public space. This is because it can be used as a loophole to provide passive frontages behind a small area of land identified as a 'public space'.

34 **Purpose and benefit of the minimum unit size standard:** To accommodate the Wellington future growth, 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 quality is to ensure residential units are of an appropriate size, so their future residents can live in them 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.

35 **Communal outdoor living space:** The standard requires a 64m² minimum area of communal outdoor living space, with a minimum dimension 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 households, I have considered that a minimum of 8m is required, to both enable small social gathering or outdoor activities (ie light exercise) without compromising the comfort or privacy of adjoining

units. With a minimum of 8m in dimension, the minimum for a communal space is 64m².

- 36 **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.
- 37 The separation between building ensures buildings are not placed closed to each in way that compromise the privacy of residents and their access to daylight. Also, the space created by this separation can be used as communal space between the building 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.
- 38 **Outlook space:** I agree with Ms Stevens that the outlook space standard should be retained. Similar to my commentary on minimum unit sizes, the outlook requirement is fundamental to providing a quality living environment that encourages a more high density living.
- 39 **Unlimited building heights:** I refer to my comments on pages 6 and 7 of my evidence that addressed unlimited buildings heights and the changes that the S42a report proposes to unlimited building heights.
- 40 **Minimum Sunlight Access:** I consider 70% sunlight access is appropriate for Pukeahu considering Pukeahu has a lot of heritage considerations. This control is important to ensure sunlight access to all listed public spaces.

41 **Centres Zones and heights:** I note that some submitters have sought expansion of Centres areas or increased height or the combination of both. As I have stated during Hearing Stream 2, the increase in height by itself does not lead to negative outcomes. In contrary, increased can have more public amenity benefits. Therefore, I support the increased height proposed by submitters in most case, subject to further investigation or evidence that these increases in height will not lead to loss of public amenity and can be done in accordance with the revised design guides. In principle I support expansion of all Centres areas. This can lead to better urban design outcomes as it provides more urban amenities and improve pedestrian network and vitality of the Centres. I note that Ms Hayes and I have different views on this matter, and I recognise that she has approached this from a broader planning perspective including consideration of development capacity, land ownership and existing uses, and scale of change from the notified proposal.

SUMMARY / CONCLUSIONS

42 My evidence has provided a rational for a number of Centres and Mixed Use Zone District Plan standards, the City Outcomes Contribution, unlimited building heights and rezoning requests. The main rational and objective behind number of Centres and Mixed Use Zone 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 the enabling high quality urban intensification.

Date: 26 May 2023

Dr. Farzad Zamani

A handwritten signature in black ink, appearing to read 'Dr. Farzad Zamani', with a large, sweeping initial stroke on the left.