

Wellington City Proposed District Plan

ISPP wrap up and integration hearing

Part 2: Design Guides

Section 42A of the Resource Management Act 1991

Document Information

REPORT FOR: Independent Hearings Commissioners

SUBJECT: Wellington City Proposed District Plan – ISPP
Wrap up Hearing – Part two

PREPARED BY: Anna Stevens

REPORT DATED: 22 August 2023

DATE OF HEARING: 19 September 2023

Contents

1.0	Overview	4
2.0	Background to Design Guides Expert Witness Conferencing	5
3.0	Principles of the Design Guides Review	6
4.0	Summary of Key Issues and Recommendations	8
4.1	Structural issues.....	8
4.2	Content issues.....	9
4.3	Wholesale review recommended.....	9
5.0	Consideration of Submissions	9
6.0	Retention and statutory weight of the Design Guides	10
7.0	Application of the Design Guides	12
7.1	Clarity of application	12
7.2	Rationalisation of the Design Guides.....	13
7.3	Mandatory design requirements and designing with water	13
7.4	Location based Design Guides.....	14
8.0	City Outcomes Contribution (Design Guides aspects)	15
8.1	Retain the City Outcomes Contribution.....	15
8.2	Amend the City Outcomes Contribution.....	15
8.3	Delete the City Outcomes Contribution.....	17
9.0	Introduction to the Design Guides	18
10.0	Residential Design Guide	19
11.0	Centres and Mixed Use Design Guide	20
11.1	Submissions in general support for the Centres and Mixed Use Design Guide..	20
11.2	Submissions for general amendments to the Centres and Mixed Use Design Guide	21
11.3	Submissions on specific guidelines within the Centres and Mixed Use Design Guide	25
12.0	Subdivision Design Guide	30
13.0	Heritage Design Guide	32
14.0	Joint witness statement and Dr Zamani’s expert evidence	33
15.0	Linkage to District Plan provisions	34
16.0	Section 32AA Assessment	38
17.0	Minor and Inconsequential Amendments	42
18.0	Conclusion	42
19.0	Recommendations	42

Wrap-up Hearing - Part 2 – Design Guides

1.0 Overview

1. This section of the Wrap-up Hearing section 42A report covers the review of four Design Guides as directed by the Independent Hearings Panel (IHP): the Residential Design Guide (RDG), the Centres and Mixed Use Design Guide (CMUDG), Heritage Design Guide (HDG) and Subdivision Design Guide (SDG).
2. Including original and further submission, there were approximately 329 submission points in relation to Design Guides. The matters raised through submission included general support for the Design Guides, general opposition to the Design Guides (including whether they should sit within or outside of the PDP), submissions on their overall structure, and submissions on their content.
3. In Minute 15¹, the IHP directed that the RDG be subject of further work by the Council in light of the outcome of the urban designers' joint expert witness conferencing, to be reported back in this ISPP Wrap up hearing. The Hearing Panel further directed that the CMUDG also be considered as part of this process. Further, Minute 23² and Minute 24³ directed that the HDG and SDG be included in the review process and further addressed at the ISPP Wrap-Up Hearing.
4. Minute 27⁴ directed that a section 42A report be circulated prior to the Wrap-Up Hearing that outlines the outcomes of the expert witness conferencing and review of the Design Guides, with this report to be accompanied by a Joint Witness Statement (JWS), a statement of evidence from Dr Zamani and a recommended set of Design Guides.
5. For clarity, within this section 42A report I refer to the 'Notified Design Guides' and 'Recommended Design Guides' as applicable.
6. This report should be read in conjunction with the following Statements of Evidence:
 - a. Statement of Expert Evidence prepared by Dr Farzad Zamani (formerly Manager Urban Regeneration and Design), dated 22 August 2023;
 - b. Statement of Expert Evidence prepared by Ms Sarah Duffell, the Council's Senior Urban Design Advisor, in relation to the Subdivision Design Guide.
7. Additionally, this report should be read in conjunction with the information in the following appendices:

¹ [Minute 15: Design Guides, 11 April 2023](#)

² [Proposed-district-plan-hearings-panel-23-may-2023--minute-23--stream-3-follow-up.pdf \(wellington.govt.nz\)](#), para 4

³ [Minute 24: Further Directions Hearing Stream 5, 21 June 2023](#), para 9

⁴ [Proposed District Plan hearings panel, 27 July 2023 - Minute 27 - Directions for Wrap-up and Integration Hearing on IPI Provisions \(wellington.govt.nz\)](#), para 19.

- a. Appendix A to Part 2 – Report prepared by Boffa Miskell for Wellington City Council titled “Proposed Wellington City District Plan Design Guides Review – Residential, Centres and Mixed Use, Heritage and Subdivision Design Guides” (dated 18 August 2023).

This report is referred to as ‘the Boffa Miskell Report’ in this section 42A report and contains the following ‘Recommended Design Guides’ at Appendices 1 to 5:

- i. Recommended Residential Design Guide
 - ii. Recommended Centres and Mixed Use Design Guide
 - iii. Recommended Heritage Design Guide
 - iv. Recommended Subdivision Design Guide
 - v. Recommended Design Guide Introduction
- b. Appendix B to Part 2 – Recommended Responses to Submissions and Further Submissions on the Design Guides:
 - i. Residential Design Guide
 - ii. Centres and Mixed Use Design Guide
 - iii. Subdivision Design Guide
 - c. Appendix C to Part 2 – Expert Witness Design Guides Assessment
 - d. Appendix D to Part 2 – Joint Witness Statement, Urban Design Experts (dated 22 August 2023);
 - e. Appendix E to Part 2 – Recommended Amendments to Commercial and Mixed Use Provisions:
 - i. City Centre Zone
 - ii. Metropolitan Centre Zone
 - iii. Local Centre Zone
 - iv. Neighbourhood Centre Zone
 - v. Mixed Use Zone
 - vi. Commercial Zone
 - vii. Waterfront Zone

2.0 Background to Design Guides Expert Witness Conferencing

8. During Hearing Stream 2 (Residential Zones) the IHP determined that the structure and content of the RDG would require further work. As detailed at paragraph 2 above, Minute 15 directed the urban design experts to undertake conferencing in relation to the structure and content of the RDG. Minute 15 identified that multiple conferencing sessions may be required and that, if necessary, the CMUDG should also be reviewed as part of the same process.
9. Boffa Miskell (Andrew Banks) was engaged to lead the conferencing, with assistance from Marc Bailey (Boffa Miskell) and Stewart McKenzie (Wellington City Council).
10. The following urban design experts for the following submitters participated in the conferencing:
 - a. Dr Farzad Zamani, for Wellington City Council
 - b. Ms Shayna Curle, for Wellington City Council

- c. Mr Graeme McIndoe and Mr Andrew Burns, for McIndoe Urban Limited [135] (McIndoe Urban)
- d. Mr Nick Owen, for Willis Bond and Company Limited [416] (Willis Bond)
- e. Ms Rebecca Skidmore, for the Retirement Villages Association of New Zealand [351] (the Retirement Villages) and Ryman Healthcare [346] (Ryman)
- f. Mr Nick Rae, for Kāinga Ora Homes and Communities [391] (Kāinga Ora)

11. As detailed at Table 1 of the JWS, three expert witness conferencing sessions were held, with additional input from the experts provided throughout the four month process. For convenience this table is provided below (conferencing sessions in bold):

21 April 2023	Initial urban design expert conferencing session on the Design Guides.
May 2023	Boffa Miskell’s development of principles to underpin the review in light of background research and expert conferencing (Step 1).
26 May 2023	Principles underpinning the review circulated to experts for comment.
June 2023	Detailed review of the RDG and CMUDG (Step 2).
6 July 2023	Draft RDG circulated to experts for feedback.
25 July 2023	Urban design expert conferencing session on the draft RDG.
28 July 2023	Draft CMUDG circulated to experts for feedback.
7 August 2023	Urban design expert conferencing session on the draft RDG and CMUDG.
August 2023	Review of Heritage and Subdivision Design Guides in light of the review of the RDG and CMUDG (Step 3).

12. The JWS and Boffa Miskell Report, provided at Appendices D and E respectively, set out in full the details of the urban design expert witness conferencing sessions that were held (including details of attendance) and the methodology that was followed. These documents should be read in conjunction with this report.

3.0 Principles of the Design Guides Review

13. The first conferencing session on 21 April 2023 identified common themes and areas of agreement, and established a set of principles for the review of the Design Guides. The purpose of doing so was to establish the qualities of good urban design guidance and provide a clear basis for the review of the Design Guides. Three key steps were adopted for the review:

- **Step 1:** Determining the principles to underpin the review;

- **Step 2:** Undertaking a detailed review of the RDG and CMUDG;
- **Step 3:** Reviewing the Heritage and Subdivision Design Guides in light of the outcome of the review of the RDG and CMUDG.

14. Table 3 of the JWS sets out the agreed principles that the urban design experts recommended should apply to the Design Guides and be implemented through the review process. For convenience, this is provided below:

Principle	Description
A	Guiding the way
A1	The Design Guides must help achieve a well-functioning urban environment and the strategic objectives of the Plan. The Design Guides must be integrative and cover the collective set of design considerations required to help achieve the broader outcomes of the NPS-UD and the Plan. This means guidance points should be interrelated and work in an integrated way.
A2	The Design Guides must help users to understand the outcome sought by the guidance points. Explanatory statements, diagrams and advice notes are helpful to express the outcome sought by the collective and separate guidance points and clarify the intent for users.
A3	The Design Guides must enable creative design solutions. Guidance should enable the potentially multiple different creative design choices and contextual responses to the unique characteristics associated with differing activities, developments, neighbourhoods, and zones which can still deliver on the outcome sought.
A4	The guidance and guidance points must be different from rules. The guidance or guidance points should not be prescriptive or require specific measures or standards. The content of the Design Guides should leave room for designers to design within the scope of the District Plan rules, rather than create a secondary set of prescriptive standards.
B	Useable
B1	The Design Guides must be relevant. Given the variety of building types and activities enabled by the District Plan, there should be sufficient direction to users to apply only those guidance points that are relevant to the site, building type or activity.
B2	The Design Guides must be assessable. Each guidance point must be crisp and able to be assessed by a qualified and experienced urban designer, without needing the input of other technical experts, or inconsistent application by different assessors.
B3	The Design Guides must be seen together with the other methods of the District Plan. If those other methods (be they rules or other provisions) rely on the Design Guides to be in play for the overall objectives and policies to be met, then the Design Guides should be included in the District Plan to ensure they do their part in delivering on a well-functioning urban environment.
B4	Guidance points must clearly articulate their point. Each guidance point must use clear and familiar language, so that the outcome sought by the guidance point can be clearly understood by the users – be they proponents of developments, assessors of them, or the community receiving them.
B5	Guidance points must use clear verbs. The Design Guides must use a consistent suite of deliberate verbs that make the intended application of each guidance point clear. This means the hierarchy of importance is established through use of appropriate verbs.
B6	The Design Guides must be functional. The Design Guides should facilitate an efficient and consistent assessment process by setting out how a proposal will be assessed, and what information is to be provided by applicants.
C	Focussed
C1	The Design Guides must have a clear scope. Each guidance point must have a definitive and limited extent, so that it is clear to users what elements of the proposal the guidance point applies to.
C2	The Design Guides must be consistent. Guidance points must be consistent with each other, or between set of Guides and avoid overlaps or saying the same thing twice.
C3	The Design Guides must avoid overlapping with other regulatory requirements. The Design Guides should not cover matters that are addressed through other regulatory regimes or requirements (such as the Building Code, or the provisions of the District Plan).

C4	The Design Guides must be focussed on the key and permanent shaping elements of good urban environments. If a guidance point does not relate to elements that shape the fabric of the urban environment, then it should not be in the Design Guides.
C5	The spatial application of guidance or guidance points must be clear and relevant to shaping good urban environments. The potential spatial application of the Design Guides crosses a spectrum from outside to inside - including urban context, street, site, and building exterior to interior. The spaces that Design Guides seek to influence must be relevant to shaping a good urban environment and must provide for an integrated approach to the design of elements within and across this spectrum of spaces.
C6	The Design Guidelines must do the job of guiding design. The Guides are not a catch-all for other tools or methods for generating good urban environments – these other tools should sit elsewhere.
C7	The Design Guides must be relevant to and work in an integrated way with the District Plan provisions. The Design Guides must be relevant to the District Plan, and support applicants to achieve the objectives and policies of the Plan. Guidance points within the Design Guides should relate to an objective or policy within the Plan.

4.0 Summary of Key Issues and Recommendations

4.1 Structural issues

15. Section 2.0 of the JWS outlines the key structural issues identified by the urban design experts, being the following:

a. The relationship of the Design Guides to District Plan objectives and policies:

- i. It was agreed that a clear link is needed from the Design Guides to the outcomes sought by objectives and policies in the District Plan.
- ii. The parties agreed that the Design Guides should not repeat the objectives and policies.

b. Duplication and overlap of Design Guides:

- i. The parties agreed that the Design Guides can be significantly streamlined by removing duplication, deleting details and targeting the Design Guides to the principal issues being sought to be addressed.
- ii. The parties agreed that the overlapping between the zones and need to be addressed to reduce the risk of conflicting or unclear application of Design Guides.

c. The urban design experts also agreed that:

- i. The ‘points system’ in the Design Guides should be removed and guidelines sequentially numbered within each guide;
- ii. Guidelines should be relocated under the Outcome that they relate to;
- iii. Language within the Design Guides should adopt a directive (rather than suggestive) approach;

- iv. The first theme in the RDG and CMUDG, being ‘Responding to the Natural Environment’ was too narrowly focussed on the natural environment (which may not be evident in an urban context) and that this should be renamed as ‘Responding to the Natural Environment in an Urban Context’; and
- v. Repetition within and between Design Guides should be addressed by:
 - Reducing the number of guidelines; and
 - Limiting the application of the Design Guides such that the RDG only applies to residential development (ie in residential zones) and the CMUDG only applies to development in the Commercial and Mixed Use Zones.

4.2 Content issues

- 16. Section 3.0 of the JWS sets out the key content issues identified by the urban design experts, which were determined as falling under the following categories:
 - a. Internal and external focus of Design Guides
 - b. Context analysis
 - c. Certainty
 - d. Language, terminology and priorities
 - e. Unintended consequences

4.3 Wholesale review recommended

- 17. Section 4.0 of the JWS states that the urban design experts recommended a wholesale review of the RDG and CMUDG, with consequential amendments to the HDG and SDG to adopt the revised format.
- 18. The Recommended Design Guides, revised in accordance with this recommendation are provided at Appendices 1 to 5 of the Boffa Miskell Report (Appendix A), take into account the matters set out at paragraph 15 above.

5.0 Consideration of Submissions

- 19. This section considers submissions relating to the Design Guides as follows:
 - a. General matters relating to the Design Guides;
 - b. Submissions relating to the Residential Design Guide;
 - c. Submissions relating to the Centres and Mixed Use Design Guide
 - d. Details of submissions relating to the SDG; and
 - e. Responses and recommendations in relation to submissions.

20. Table 2 of the Boffa Miskell Report (Appendix A), identifies the number of submission points received in relation to each of these matters:

Design Guide	Number of submission points
General points on the Design Guides	91
Residential Design Guide	200
Centres and Mixed Use Design Guide	107
Heritage Design Guide	23
Subdivision Design Guide	8

21. As a result of the expert witness conferencing it is recommended that the Recommended RDG and Recommended CMUDG (and not the notified versions) are adopted into the District Plan.
22. Many submission points addressed through this review process relate to repetition of content and structure of the design guides. Given the similarity of these submission points, a detailed assessment of submission points has only been undertaken where the submission point has not otherwise been addressed through Design Guides review and resultant Recommended Design Guides.
23. Appendix B to this report provides recommendations on the submission points.

6.0 Retention and statutory weight of the Design Guides

Matters raised in submissions

24. A number of submitters have requested that the Design Guides are removed from being a statutory component of the District Plan. These submissions are set out in Part 6 – Design Guides of the section 42A report for Hearing Stream 2⁵.
25. I recommended during Hearing Stream 2 at HS2-P6-Rec5 that the Design Guides remain as a statutory component of the PDP.
26. My reasons for this recommendation are set out at paragraphs 58 to 60 of Part 6 of the section 42A report for Hearing Stream 2, which I have copied below:

58. *“In response to the general submission points raising concerns relating to the inclusion of the Design Guides as statutory documents in the PDP and the associated further submission points in support of these:*

- a. The Design Guides have always been and continue to be a statutory part of the plan (except for the Papakāinga Design Guide) with a required assessment against them in the resource consent process;*

⁵ [Hearing Stream 2 S42A Report - Part 6 Design Guides Final.docx](#), para 33-47.

- b. *I consider that having Design Guides as a statutory part of the plan will provide the applicants, designers, the public and resource consent planners with certainty over the design principles that are to be considered in designing a building;*
- c. *I consider that removal of the Design Guides as a statutory component of the PDP would reduce certainty, as alternatives (including generic 'design' matters of discretion or non-statutory Design Guides) will lead to a less efficient and uncertain resource consenting process as there will no common set of design principles for applicants and councils' officers to work from;*
- d. *I consider that removal of the Design Guides from the statutory context of the PDP would lead to confusion and a complex transition from the ODP to the future state; and*
- e. *I consider that given the level of intensification anticipated under the PDP, it is important that the PDP includes statutory design guidance to achieve good built form, design and environmental outcomes for the City.*

59. *In response to the submission point from Willis Bond and Company Limited [416.200] and The Retirement Villages Association's further submission point [FS126.262] and Ryman Healthcare Limited's further submission point [FS128.262], the Design Guides are currently statutory documents (except for the Papakāinga Design Guide) under the ODP and will continue to be for the PDP. Given the level of intensification anticipated under the PDP, it is important that the PDP includes statutory design guidance to achieve good built form, design and environmental outcomes for the City. The depth control HRZ-S16 is sought to be retained and I do not see the need to put this in a design guide.*

60. *Regarding the submission points from Willis Bond and Company Limited [416.202 and 416.203], The Retirement Villages Association's further submission points [FS126.264 and FS126.265] and Ryman Healthcare's further submission points [FS128.264 and FS128.265], the Design Guides need to be standalone documents as not all guidelines (or Guides) will apply in every situation. Some minor refinements have been made which are addressed in individual design guide submission responses. There is some scope to consolidate guidelines and minor refinements have been made. However, because not all of the Design Guides will apply all at once, repeating design guidance is not an issue".*

- 27. The Boffa Miskell Report⁶ (provided at Appendix A) provides a summary of statutory Design Guides in district plans.
- 28. I maintain my view that the Design Guides should remain as statutory components of the PDP and following the review process my opinion on this is firmer given the increased workability and usability of the revised guides following expert witness conferencing. Mr Zamani similarly shares this view.
- 29. I note the subtlety that while the Retirement Villages Association of New Zealand agrees in principle to the inclusion of the Design Guides in the District Plan, their urban design expert

⁶ Boffa Miskell Report titled "Proposed Wellington City District Plan Design Guides Review – Residential, Centres and Mixed Use, Heritage and Subdivision Design Guides", section 2.2

witness has advised that the submitter maintains the view that these should not be applied to retirement villages.

30. Given the level of agreement reached at the expert witness conferencing, I consider that preparing an alternative set of provisions incorporating the design outcomes into the policy and rule framework and working through all consequential amendments would not be a valuable exercise as it would effectively only duplicate the content of the revised Design Guides.
31. I am also concerned that there is insufficient time before the Wrap-up Hearing to allow submitters time to consider and comment on these.
32. Based on the commentary above, I have made recommendations in relation to the submission points requesting the removal of the Design Guides from the District Plan at Appendix B. In this respect, my recommendations are consistent with those in relation to Hearing Stream 2.

Recommendations

33. **WU-P2-Rec1:** That Design Guides continue to be included as a statutory component of the District Plan.
34. **WU-P2-Rec2:** That submission points relating to the statutory nature of the Design Guides are accepted/rejected as detailed at Appendix B.

7.0 Application of the Design Guides

35. The Council received a range of submissions that broadly fall under the following categories:
 - a. **Clarity of application** – ie when do the different Design Guides apply;
 - b. **Rationalisation of the Design Guides** – ie that there should be fewer Design Guides and/or fewer guidelines within each Design Guide.
 - c. **Mandatory Design Guides** – ie that Design Guides should be mandatory;
 - d. **Location-based Design Guides** – ie specific suburbs should have their own Design Guides.
36. Specific submissions in respect to these matters are set out in my section 42A report for Hearing Stream 2 (Part 6 – Design Guides)⁷ or elsewhere in this report.

7.1 Clarity of application

37. With respect to submissions requesting clarity as to the application of the RDG and CMUDG, I refer to the recommendation of the urban design experts, being that the RDG should only

⁷ [Hearing Stream 2 S42A Report - Part 6 Design Guides Final.docx](#)

apply to development within the Residential Zones (High Density Residential Zone (HRZ), Medium Density Residential Zone (MRZ) and Large Lot Residential Zone (LLRZ)), whereas the CMUDG would apply in all of the Commercial and Mixed Use Zones (including development areas and the waterfront).

38. I agree that this approach reduces uncertainty and complexity. Noting that the experts have also recommended the CMUDG to include guidelines relating to residential development within the Commercial and Mixed Use Zones, I recommend that this approach is adopted.

7.2 Rationalisation of the Design Guides

39. As detailed at paragraph 15 of this section 42A report, the urban design experts have recommended changes that effectively rationalise the Design Guides.
40. These include the splitting of the RDG and CMUDG, and a significant reduction in the number of guidelines within each Design Guide. The number of guidelines in the RDG has been reduced from 97 to 47, whereas there has been a reduction in the CMUDG from 137 to 47 guidelines.
41. The changes proposed by the urban design experts result in rationalisation of the Design Guides as requested by the submitters.
42. I support this change, given that it is supported by the urban design experts and will provide for a more streamlined consenting process.

7.3 Mandatory design requirements and designing with water

43. Some submitters have requested that design guidelines are mandatory within the District Plan. I have addressed this matter at paragraphs 76-77 of my section 42A report for Hearing Stream 2 [hearing stream 2 - Part 6, section 3.2 'Retention of Design Guides in the District Plan'](#), where I advise that:

76. "...the Design Guide is drafted as an outcome-based document so as not to limit creativity and different approaches to good design outcomes. The absolute mandatory requirements are stated in the policies and standards of the PDP. The highly ranked guidelines are established ways to achieve the outcomes of the Design Guides.

77. Accordingly, I consider that mandatory design requirements would be too specific and do not provide the flexibility needed for a site by site design assessment for each development. I note that the Design Guides having a rating system which establishes a hierarchy of guidelines without requiring that all or some guidelines must be implemented".

44. I continue to hold this view following expert witness conferencing. While the Recommended Design Guides no longer include the rating system referred to above, they continue to provide flexibility for a site by site design assessment specific to a development.

45. In my view, this is appropriate and mandatory application of any particular guidelines would be inappropriate.
46. In respect of Greater Wellington Regional Council (351.333) and Greater Brooklyn Residents Association Inc (459.16) I consider that the Design Guides do address stormwater and water conservation design guidelines. These relate to ecology and regenerating waterways. Anything more would risk stepping outside of the Council’s RMA jurisdiction and delve into regional Council responsibilities and building code requirements.

7.4 Location based Design Guides

47. This matter is addressed at paragraph 84 of my section 42A report for Hearing Stream 2⁸, where I note:

84. “The Design Guides under the PDP in terms of approach, are moving away from area specific guidelines that currently sit within the ODP. I also note that it is the role of urban design advisors to apply the Design Guides based on the local context and as referred to by G1 of the Design Guides. I consider that it is appropriate that the Design Guides are drafted at a high level. A contextual analysis as is directed by the guides will help ensure that development is responsive to the local context. I also note that where relevant (e.g. the character precinct design guide) some area specific guidance is provided”.

48. The urban design experts generally agree that the RDG and CMUDG should be applied on a zone-related basis and, taking into account the recommended introduction of residential design guidance within the CMUDG, I support this change.
49. I maintain the view that the move away from location/suburb-based design guidance is appropriate.

Recommendations

50. **WU-P2-Rec3:** That the Residential Design Guide is only applied to development within the High Density Residential Zone, Medium Density Residential Zone and Large Lot Residential Zone.
51. **WU-P2-Rec4:** That the Centres and Mixed Use Design Guide is only applied to development within the Commercial and Mixed Use Zones, as well as Development Areas and the Waterfront Zone.
52. **WU-P2-Rec5:** That submission points relating to clarity of application of the Design Guides are accepted/rejected as detailed at Appendix B.

⁸ [Hearing Stream 2 S42A Report - Part 6 Design Guides Final.docx](#), para 84.

8.0 City Outcomes Contribution (Design Guides aspects)

136. The City Outcomes Contribution (COC) has been assessed comprehensively in the [Overview and General Matters section of the section 42A report for Hearing Stream 4 – Commercial and Mixed Use Zones](#), as well as in my [rebuttal evidence](#) (dated 19 June 2023) and [Right of Reply](#) (dated 4 August 2023).
137. This section therefore identifies submission points on G97 of the CMUDG and G137 of the RDG, but does not further assess them – noting that I have recommended the following:
- a. To remove the COC from the Design Guides to a new ‘Appendix 16’ of the PDP, meaning G97 of the CMUDG would not be included within the Recommended CMUDG; and
 - b. To remove the COC from applying to the HRZ, meaning G137 of the RDG would not be included within the Recommended RDG.

8.1 Retain the City Outcomes Contribution

Matters raised in submissions

53. Paul Burnaby [44.20] supports the COC and seeks that the CMUDG is retained as notified.

8.2 Amend the City Outcomes Contribution

Matters raised in submissions

54. McIndoe Urban Limited [135.13-135.16, 135.65-135.67] considers the City Outcomes Contribution (G97 of the CMUDG and G137 of the RDG) is an interesting methodology, but there are many issues to be addressed for this to be effective and/or suitably responsive to context and the effects that may arise with ‘over height’ buildings. The submitter seeks that it is reconsidered and the workability and effectiveness of the methodology is tested.
55. Investore Property Limited [405.142, 405.143] (supported by Johnsonville Community Association Inc [FS114.26, FS114.27]) opposes Table 3 of the CMUDG and seeks amendments to:
- a. Provide greater clarity and predictability around the City Outcomes Contribution points that will be achieved for different outcomes;
 - b. Enable a codified system for credits for COC achieve by earlier stages of development to be used for later stages of development on the same property;
 - c. Change the reference from “public open space” to the defined term “public space”;
 - d. Update the comments section to provide objective criteria or guidance on the number of points that can be awarded regarding ‘Adaptive reuse of buildings’, ‘Reducing embodied carbon’, different resilience measures and ‘Urban Design Panel Approval’.

56. Willis Bond and Company Limited [416.206, 416.207, 416.208, 416.209] (supported by the Retirement Villages Association of New Zealand Incorporated [FS126.268, FS126.269, FS126.270, FS126.271] and Ryman Healthcare Limited [FS128.628, FS128.629, FS128.270, FS128.271]) seeks that COC are retained with amendments, noting general support but highlighting there needs to be a level of certainty that the significant investment required to deliver these outcomes will result in material and reliable intensifications.
57. The submitter also seeks that G97 is phrased as “require” rather than to provide a clear incentive for meeting the requested outcomes, notes that if height limits are removed the COC will need to be deleted/redefined to relate to additional floor area, and consider that as currently drafted the COC remains “subject to” numerous other mechanisms in the plan potentially rendering it ineffective, despite its good intentions.
58. Fabric Property Limited [425.109, 425.110] seeks that if the PDP retains provisions relating to the COC:
- a. Table 3 is amended to provide greater clarity and predictability around the City Outcomes points that will be achieved for different outcomes; and
 - b. The COC is amended to enable a codified system for credits for COC achieved by earlier stages of development to be used for later stages of development on the same property.
59. Stride Investment Management Limited [470.69, 470.70] seeks alternative to the preferred relief of removing all references to the COC from PDP and Design Guides. The submitter seeks to:
- a. Amend Table G97 to provide greater clarity and predictability around the COC points that will be achieved for different outcomes;
 - b. Amend the CMUDG to enable a codified system for credits for COC achieved by earlier stages of development to be used for later stages of development on the same property.
60. Stride Investment Management Limited [470.71-470.79] seeks to amend COC and Table 3 to:
- a. Remove ‘open’ from ‘Public open space’;
 - b. Provide objective criteria for:
 - i. ‘For every 10% of the site accessible as public open space’;
 - ii. ‘Any lane-way or through block connection’;
 - iii. ‘Provision of appropriate communal gardens, playgrounds, and roof gardens’;
 - iv. ‘Provision of permanent public amenities, i.e. public toilets’;
 - v. ‘Adaptive reuse of buildings’;
 - vi. ‘Reduction in embodied carbon in buildings’;
 - vii. ‘Additional seismic resilience measures, including base isolations, seismic dampers, etc’; and
 - viii. ‘Urban Design Panel Approval’.

8.3 Delete the City Outcomes Contribution

Matters raised in submissions

61. McDonald's [274.76 (supported by Johnsonville Community Association FS114.45), McIndoe Urban Limited [135.63], Argosy Property No.1 Limited [383.124 (supported by Foodstuffs North Island FS23.83, McDonald's Restaurant New Zealand FS45.8 and Johnsonville Community Association Inc FS114.48], Johnsonville Community Association [429.41], Stride Investment Management Limited [470.68 (supported by Johnsonville Community Association Inc FS114.31)] and Foodstuffs North Island [476.61] seek that G97 is deleted.
62. McIndoe Urban Limited [135.64 (supported by Johnsonville Community Association Inc FS114.49) and 135.119], McDonald's [274.78 (supported by Johnsonville Community Association Inc FS114.46, The Retirement Villages Association of New Zealand FS126.183, FS126.184 and Ryman Healthcare Limited FS128.183], Wellington Branch NZIA [301.19], Johnsonville Community [429.42] and Foodstuffs North Island [476.62] seeks that G137 of the RDG is removed.
63. Precinct Properties New Zealand Limited [139.59] seeks that all references to the City outcomes contribution are removed from the guidelines and the PDP policies.
64. Further to the submissions above, the Johnsonville Community Association submission [429]⁹ expresses opposition to the COC. I acknowledge that opposition was not captured in the summary of this submission and note their opposition.

Assessment

65. I acknowledge the submission points above. As the COC has been comprehensively addressed at Hearing Stream 4, I have not undertaken further assessment at this stage. I maintain the view that the COC should remain in the District Plan, albeit applied through the new Appendix 16 and not through the RDG and CMUDG. My final recommendations are set out in my [Right of Reply](#) for Hearing Stream 4.

Recommendations

66. **WU-P2-Rec6:** That the recommendations in the [Right of Reply](#) for Hearing Stream 4 (dated 4 August 2023) in relation to the City Outcomes Contribution are adopted into the District Plan.
67. **WU-P2-Rec7:** That submission points relating to the City Outcomes Contribution are accepted/rejected as detailed at Appendix B.

⁹ [Submission 429 Johnsonville Community Association \(wellington.govt.nz\)](#)

9.0 Introduction to the Design Guides

68. As detailed in the Statement of Evidence prepared by Dr Zamani for Hearing Stream 2¹⁰, at the time of notification of the PDP the intent was that there would be one ‘Design Guide’ with the following chapters:
- Introduction;
 - Centres and Mixed-Use Design Guide;
 - Residential Design Guide;
 - Heritage Design Guide;
 - Signs Design Guide;
 - Subdivision Design Guide; and
 - Rural Design Guide.
69. Submissions relating to the Design Guide Introduction were addressed at [section 4.0 of the section 42A report prepared for Hearing Stream 2 \(Part 6 – Design Guides\)](#), where I recommended that this chapter be retained, subject to amendments.
70. It is clear from the expert witness conferencing that the RDG, CMUDG and other Design Guides are viewed as separate, standalone documents.
71. Nevertheless, I maintain the view that the Design Guides Introduction chapter should be retained in the District Plan as this contains useful information as to how the remaining Design Guides are applied.
72. That said, I acknowledge that the urban design experts have recommended the following changes:
- a. Changes to the Design Guide Introduction; and
 - b. Changes to the Introduction sections of the RDG, CMUDG, HDG and SDG to provide further clarity as to how these are applied.
73. I agree with these recommended amendments.

Recommendations

74. **WU-P2-Rec8:** That the Recommended Design Guide Introduction, provided at Appendix 5 of the Boffa Miskell Report (dated 18 August 2023), replaces that of the notified Design Guide Introduction.

¹⁰ [Statement of evidence of Dr Farzad Zamani on behalf of Wellington City Council](#), para 14-16.

75. **WU-P2-Rec9:** That submission points relating to the Design Guide Introduction are accepted/rejected as detailed at Appendix B.

10.0 Residential Design Guide

Matters raised in submissions

76. Submission points relating to the RDG were summarised and assessed in Hearing Stream 2. These can be found in Part 6 of the section 42A report from Hearing Stream 2¹¹.
77. The two submissions below were not addressed at Hearing Stream 2:
- a. Precinct Properties New Zealand Limited [139.2] which seeks that all direct references to the Design Guides in the PDP are deleted and replaced with reference to specific design outcomes that are being sought; and
 - b. Paul M Blaschke [435.2] who seeks that relevant sections of the PDP be amended to promote the use of the subdivision and other guidelines as best practice.

Assessment

78. In response to Precinct Properties New Zealand Limited [139.2], this matter has been addressed in [hearing stream 2 - Part 6, section 3.2 'Retention of Design Guides in the District Plan'](#), and [hearing stream 4 Overview Report - para 145-146](#). My position has not changed.
79. I agree with Mr Blaschke that more links to the SDG need to be made in relevant provisions. This matter is being addressed in the Right of Reply for Hearing Stream 5.
80. Further to the assessments provided in the section 42A reports listed at paragraph 55 above, I note that the outcomes of the expert witness conferencing have resulted in amendments to my recommendations for some submission points on the RDG. Updated recommendations are set out in Appendix B to this Wrap-up Hearing section 42A report. These amended recommendations reflect that the RDG has been subject to a full review and that where submission points may have been rejected initially, the relief sought is captured through the review – for example, where similar design guidelines have been combined and the total number of guidelines has been reduced.

Recommendations

81. **WU-P2-Rec10:** That the Recommended Residential Design Guide, provided at Appendix 1 of the Boffa Miskell Report (dated 18 August 2023), replace the notified Residential Design Guide without further amendment.

¹¹ [Hearing Stream 2: Section 42A Report - Part 6, Residential Design Guide](#)

82. **WU-P2-Rec11:** That submission points relating to the Residential Design Guide are accepted/rejected as detailed at Appendix B.

11.0 Centres and Mixed Use Design Guide

83. The Overview and General Matters section 42A report prepared for Hearing Stream 4 - Commercial and Mixed Use Zones notes that, in accordance with Minute 15, the Design Guides, including their scope and content, will be addressed in this Wrap up Hearing.¹² As such, these submissions were not summarised and assessed as part of Hearing Stream 4.
84. Submission summaries relating to the CMUDG are instead provided below.
85. I have provided a high-level assessment of the general submissions relating to the CMUDG. As the guidelines within the CMUDG have been reviewed in their totality, and reduced significantly, as a result of the expert witness conferencing, I have not assessed these submission points in detail.

11.1 Submissions in general support for the Centres and Mixed Use Design Guide

Matters raised in submissions

86. Te Rūnanga o Toa Rangatira [488.96] and Paul M Blaschke [435.11] seek that the CMUDG is retained as notified.
87. Stride Investment Management Limited [470.65] supports in general the CMUDG.
88. McDonald's [274.77] generally supports the intent and provisions of the CMUDG and seeks that it is retained, subject to amendments outlined in other submission points.
89. Lucy Harper and Roger Pemberton [401.94] seeks that the CMUDG is retained, with amendments.
90. Investore Property Limited [405.139] (supported by the Retirement Villages Association of New Zealand Incorporated [FS126.110] and Ryman Healthcare Limited [FS128.110]) seeks that the Design Guides are retained with amendments.

Assessment

91. I acknowledge the general support for the CMUDG and request for amendments – these have been addressed through the wholesale review of this Design Guide. Noting the outcomes of

¹² [Hearing Stream 4: Section 42A Report - Overview and General Matters for Commercial and Mixed Use Zones](#), para 146

the expert witness conferencing, no further assessment of these submission points is undertaken.

11.2 Submissions for general amendments to the Centres and Mixed Use Design Guide

Matters raised in submissions

92. Wellington Branch NZIA [301.14] (opposed by the Retirement Villages Association of New Zealand Incorporated [FS126.227] and Ryman Healthcare Limited [FS128.227]) considers that the CMUDG is too vague and should be amended to provide greater analysis of the construction carbon footprint.
93. The Retirement Villages Association of New Zealand Incorporated [350.68] considers that the CMUDG makes no specific reference to retirement villages, and there is no guidance provided as to why the requirements that are applicable to non-retirement village activities apply in the same manner to retirement villages. The submitter opposes the CMUDG and seeks amendment to expressly exclude retirement villages from having to apply the to the Design Guide.
94. Greater Wellington Regional Council [351.12] (opposed by the Retirement Villages Association of New Zealand Incorporated [FS126.54] and Ryman Healthcare Limited [FS128.54]) seeks to strengthen reference to the CMUDG in the PDP to require consistency with, or appropriate consideration of, its guidelines. In the submitter's view, while the CMUDG includes guidelines in relation to carbon reduction, urban design, stormwater, ecology, water conservation and freshwater ecosystem health, which all contribute to achieving the PDP's strategic objectives, the weight of the Design Guides in the rules does not reflect the significance of these matters.
95. Wellington Branch NZIA [301.15] (opposed by the Retirement Villages Association of New Zealand Incorporated [FS126.225] and Ryman Healthcare Limited [FS128.225]) seeks that the CMUDG require a Design Review Panel.
96. Restaurant Brands Limited [349.225] (supported by Foodstuffs North Island [FS23.69]) considers that the CMUDG does not recognise or provide for the functional or operational requirements of activities and seeks that it be deleted in its entirety. A similar submission was received by Woolworths New Zealand (359.95) and supported by Foodstuffs North Island [FS23.28].
97. The Retirement Villages Association of New Zealand Incorporated [350.305] opposes the CMUDG and seeks amendment to expressly exclude retirement villages from having to apply the Design Guide.

98. Investore Property Limited [405.139] (supported by the Retirement Villages Association of New Zealand Incorporated [FS126.110] and Ryman Healthcare Limited [FS128.110]) seeks that the CMUDG is retained, with amendments.
99. Investore Property Limited [405.141] and Fabric Property Limited [425.108] (supported by the Retirement Villages Association of New Zealand [FS126.32], Ryman Healthcare Limited [FS128.32]) and Stride Investment Management Limited [470.67]) seeks that the CMUDG and RDG are combined into a single design guide document.
100. Guy Marriage [407.11, 407.12] seeks that the CMUDG is reviewed by a Design Panel and that each Design Guide has more specialisation.
101. Jim and Christine Seymour [262.4] seek the addition of an effective design control process for the District Plan implementation.
102. McIndoe Urban Limited [135.1] (opposed by Kāinga Ora [FS89.85]) considers the suite of Design Guides need considerable editing and tightening up to ensure the effectiveness and efficiency of the PDP. McIndoe Urban Limited [135.2] seeks that all Design Guides are subject to a high level of scrutiny and refinement. The submitter [135.3, 135.4] seeks that the entire suite of Design Guides is restructured and coordinated to remove unnecessary overlap and repetition between design guides, that the 'outcomes' in each design guide are numbered and integrate with the relevant section/guidelines to avoid flipping back and forth between Design Guides. The submitter [135.7] also considers that the same set of outcomes appears in each of the Design Guides, in addition to the 16 page Introduction to the Design Guides. The submitter notes this unnecessary repetition has the effect of bloating the suite of guides.

Assessment

103. I acknowledge the submission point from Wellington Branch NZIA [301.14] (opposed by the Retirement Villages Association of New Zealand Incorporated [FS126.227] and Ryman Healthcare Limited [FS128.227]). The issues raised in this submission point have been addressed through the review of the CMUDG and revised version of this Design Guide.
104. Ms Skidmore has represented the Retirement Villages Association of New Zealand Incorporated in the urban designer expert witness conferencing. I am aware that she maintains the view that the CMUDG should not apply to retirement villages.
105. Dr Zamani is concerned that it cannot be guaranteed that retirement villages will retain their retirement village use in perpetuity (ie, they could at some point in time be converted into unit titles) – and considers that applying the Design Guides will help to ensure these developments are designed to provide a good standard of amenity and be adaptable for future uses. Dr Zamani is adamant that the Design Guides are applied to retirement villages.

106. I agree with Dr Zamani on the basis that retirement villages are a form of residential development akin to multi-unit housing and should provide the level of amenity that the CMUDG (as revised to include guidelines for residential development) seeks to provide for. I therefore recommend the submission point from the Retirement Villages Association of New Zealand Incorporated [350.68] is rejected.
107. I acknowledge the concerns raised by Greater Wellington Regional Council [351.12] (opposed by the Retirement Villages Association of New Zealand Incorporated [FS126.54] and Ryman Healthcare Limited [FS128.54]). This matter was addressed in Hearing Stream 4 – where it was recommended that the Design Guides were removed as matters of discretion under the relevant Commercial and Mixed Use Zone rules and elevated into the relevant policies.
108. As detailed in the section 42A report for Hearing Stream 4¹³ (Overview and General Matters) and in my Right of Reply for this hearing stream¹⁴, I recommend that Urban Design Panels are incorporated into the CCZ, MCZ, LCZ and NCZ chapters as a method, subject to funding and approval from the Council.
109. I disagree that these should be included within the CMUDG and recommend that the submission point from the Wellington Branch NZIA [301.15] (opposed by the Retirement Villages Association of New Zealand Incorporated [FS126.225] and Ryman Healthcare Limited [FS128.225]) be rejected.
110. I disagree with Restaurant Brands Limited [349.225] (supported by Foodstuffs North Island [FS23.69]) that the CMUDG should be deleted from the District Plan in its entirety. This matter is addressed at section 6 of this report.
111. In my view the CMUDG does not need to recognise or provide for the functional or operational requirements of specific activities.
112. The policy and rule framework within the specific Commercial and Mixed Use Zone chapters sets out whether or not activities are appropriate. The purpose of the Design Guides is to encourage good quality design outcomes, and removing the requirement to consider the CMUDG for certain activities would reduce the ability to ensure good design outcomes and ‘tip the balance’ towards functional and operational uses.
113. Dr Zamani has expressed a similar view in his statement of evidence, noting that the Design Guides seek to achieve well-functioning urban environments. I agree, noting that the public benefits that these facilitate should outweigh the functional and operational requirements of individual landowners. I therefore recommend that these submission points are rejected.

¹³ [section-42a---overview-and-general-matters-for-commercial-and-mixed-use-zones.pdf \(wellington.govt.nz\)](#), para 204-208

¹⁴ [Right of reply responses of Anna Stevens - City Centre Zone \(wellington.govt.nz\)](#), para 44-48

114. I acknowledge the partial support from Investore Property Limited [405.139] (supported by the Retirement Villages Association of New Zealand Incorporated [FS126.110] and Ryman Healthcare Limited [FS128.110]).
115. The request from Investore Property Limited [405.141] and Fabric Property Limited [425.108] (supported by the Retirement Villages Association of New Zealand [FS126.32], Ryman Healthcare Limited [FS128.32]) and Stride Investment Management Limited [470.67]) to combine the CMUDG and RDG into a single design guide document have been addressed in part through the expert witness conferencing – while there are still two separate Design Guides, only one of these will apply in any specific instance.
116. The submission points from Guy Marriage [407.11, 407.12] (and also Historic Places Wellington (182.32) and Roland Sapsford (305.65) relating to Design Panels are addressed by section 42A report for Hearing Stream 4¹⁵. In my view, the outcome of the urban designer expert witness conferencing is that the recommended RDG and CMUDG are more specialised. This aligns with the other aspect of Mr Marriage’s request.
117. I acknowledge the submission point from Jim and Christine Seymour [262.4], which is not specific to any Design Guide but seeks that the PDP includes an effective design control to avoid poor design outcomes that detract from the amenity experienced at other residential sites. The application of the RDG and CMUDG (as applicable) will assist in this regard; however, it is not considered necessary to strictly regulate the design of buildings through either the PDP policy framework or the Design Guides. In this respect, I refer the submitter to policy 6(b) of the NPS-UD¹⁶, which envisages that urban areas will undergo significant change to accommodate additional residential capacity. This is as follows:
- Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*
- ...
- (b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
- i. may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - ii. are not, of themselves, an adverse effect...*
118. The submission points from McIndoe Urban Limited [135.1] (opposed by Kāinga Ora [FS89.85]), [135.2, 135.3, 135.4, 135.7] have been addressed through the expert witness

¹⁵ [section-42a---overview-and-general-matters-for-commercial-and-mixed-use-zones.pdf \(wellington.govt.nz\)](#), para 204-208

¹⁶ [National policy statement on urban development | Ministry for the Environment](#)

conferencing, which the submitter was heavily involved with. On the basis of the recommended amendments to the CMUDG, which for the most part the submitter supports, no further analysis of these submission points is required.

11.3 Submissions on specific guidelines within the Centres and Mixed Use Design Guide

Matters raised in submissions

Responding to whakapapa of place (G1-G2)

119. McIndoe Urban Limited [135.17] seeks that the heading is amended to “Responding to context”.
120. McIndoe Urban Limited [135.18] also seeks G1 is amended as follows: “should include, where relevant, the following:”
121. McIndoe Urban Limited [135.19] also seeks that G1 and G2 of the CMUDG are integrated.

Vegetation and planting (G3-G7)

122. McIndoe Urban Limited [135.20, 135.21] notes that G3 is an essential requirement, yet there will be situations where planting at the interface of the public realm is problematic, for example, along the Golden Mile. The submitter also considers G3 will place an overemphasis on planting in centres, where it may be inappropriate within the private realm along retail.
123. Stratum Management Limited [249.45] considers that G5 appears to introduce requirements additional to the Three Waters chapter and seeks it is removed.

Urban Ecology (G8)

124. Stratum Management Limited [249.46] seeks that G8 is reworded to make it achievable in the city centre context.

Carbon reduction – the natural environment (G9-G11)

125. McIndoe Urban Limited [135.22] considers that G11 is sound in principle but is already covered by the Residential Design Guide. The submitter also considers there may be challenges in relying on natural ventilation in the central city context unless there are very strict controls on external noise after hours.

Designing with topography (G12-G15)

126. McIndoe Urban Limited [135.23] considers that while G14 cannot be disagreed with in principle, it is too vague as a direction and should be clarified.
127. McIndoe Urban Limited [135.24] considers G15 should not be included in the Design Guide as this is covered by Council standards, and seeks it is deleted.

128. McIndoe Urban Limited [135.25] considers the ‘Designing with Water’ section of the Design Guide contains unnecessary repetition that will lead to multiple assessments and inefficiencies. Matters relating to water are covered in three sections – G5 (vegetation and planting), G15 (designing with topography) and G16/G17 (designing with water).

Ecology (G18-G19)

129. McIndoe Urban Limited [135.26] considers that G19 overlaps with G2, G4 and G8.

Ground floor interface and frontage (G20-G30)

130. Victoria University of Wellington Students Association [123.66] seeks that ground-floor level buildings in Centres are used for non-residential activities.
131. McIndoe Urban Limited [135.27] considers that while G20 is sound as an objective, this risks being overly broad as a guideline as it can be taken to mean many different things.
132. McIndoe Urban Limited [135.28 and 135.29] considers that while G22 is sound the diagrams are questionable and seeks these are amended.
133. McIndoe Urban Limited [135.30] considers that the methods identified under G28 may be unnecessary in some instances or too onerous in others.
134. Wellington Heritage Professionals [412.84] (opposed by the Retirement Villages Association of New Zealand Incorporated [FS126.248] and Ryman Healthcare Limited [FS128.248]) considers the design guide should be amended to include G3.5 and associated diagrams from the current Central Area Urban Design Guide.

Passive Surveillance (G31)

135. McIndoe Urban Limited [135.31] considers that passive surveillance is already covered by G21, G41 and G50, and seeks that G31 is removed to avoid unnecessary repetition.
136. McIndoe Urban Limited [135.40] considers that passive surveillance is covered multiple times and this should be rationalised.

Massing and scale (G32-G34)

137. McIndoe Urban Limited [135.32] considers that G33 is too open and undefined, and queries what is meant by an ‘appropriate transition’. The submitter considers the type of open space need to be defined and considers if sunlight protection is desirable then that should be a rule.

Entrances (G35-G40)

138. McIndoe Urban Limited [135.33] considers that G35 is contrary to design in context and could lead to arbitrary outcomes.

Facades (G41-G44)

139. No submissions were received specifically in relation to these guidelines.

Roofscape (G45-G47)

140. McIndoe Urban Limited [135.35] considers that the methods identified under G45 in italics are undefined and open the opportunity of use of ineffective methods.

141. McIndoe Urban Limited [135.36] considers that G46 repeats G45 and seeks that G45, G46 and G47 are integrated.

142. McIndoe Urban Limited [135.37] also considers that G47 repeats G45 and G46 and seeks that they are integrated.

Connections for people (G49-G53)

143. McIndoe Urban Limited [135.38, 135.39] considers that the give guidelines under 'Connections for People' should be compressed into fewer guidelines. The submitter notes they should be combined into a single guideline.

144. McIndoe Urban Limited [135.44] also seeks that G49 and G53 are integrated.

145. McIndoe Urban Limited [135.41] consider the wording of G51 should be amended to refer to "opportunity for entrapment".

146. McIndoe Urban Limited [135.43] seeks that G51 and G52 are integrated.

147. McIndoe Urban Limited [135.45] made a submission relating to G53 and considers that lighting should be covered later. To give certainty, the submitter notes this should better identify the situations where pedestrian connectivity is enhanced.

Carparking and service vehicles (G54-G59)

148. McIndoe Urban Limited [135.46] seeks that G55 is amended to allow for parking in some instances.

149. McIndoe Urban Limited [135.38, 135.39] considers that the five guidelines under 'Connections for People' should be compressed into fewer guidelines. The submitter notes they should be combined into a single guideline.

150. McIndoe Urban Limited [135.44] also seeks that G49 and G53 are integrated.

151. McIndoe Urban Limited [135.41] consider the wording of G51 should be amended to refer to "opportunity for entrapment".

152. McIndoe Urban Limited [135.42, 135.43] seeks that G51 and G52 are integrated.
153. McIndoe Urban Limited [135.45] made a submission relating to G53 and considers that lighting should be covered later. To give certainty, the submitter notes this should better identify the situations where pedestrian connectivity is enhanced.

Lighting (G60-G68)

154. McIndoe Urban [135.47] considers that lighting is a matter of detail that can be covered by standards and referred to in conditions on a resource consent.
155. McIndoe Urban Limited [135.48] considers that G62 and G63 cover the same matter and should be combined.

Carbon reduction – site (G69)

156. Stratum Management Limited [249.47] opposes G69 in relation to the bike storage in respect of the Transport chapter and seeks that appropriate qualification is ensured in G69.

Open and communal space (G70-G73)

157. McIndoe Urban Limited [135.49] seeks that the matters under G71 and G73 be included in the list under G70.
158. McIndoe Urban Limited [135.50] seeks that the content of G72 be amended to allow consideration of shared communal facilities.

Servicing (G76-G79)

159. McIndoe Urban Limited [135.51] considers that the wording of G77 is ambiguous and precluding ventilation to/from the street is unnecessarily restrictive and seeks that G77 is clarified and amended.
160. McIndoe Urban Limited [135.52] considers that using the words ‘where possible’ in G78 could result in negative effects on the site use and particularly on small narrow lots in centres and mixed use zones. The submitter considers the guideline should instead focus on how such facilities are ‘required’ in order to avoid adverse effects on the street environment, rather than encouraging on site vehicle access of the type.

Architectural coherence (G82)

161. McIndoe Urban Limited [135.53 and 135.54] seeks that G82 is retained with amendment. The amendment sought includes the following wording from G81:

Provide appropriate solutions to mitigate any impacts of the development on wind or micro-climate within and beyond the site that are functional and do not compromise the coherence and compositional integrity of the building.

Materials (G83-G86)

162. Lucy Harper and Roger Pemberton [401.95] consider that the guidance should extend to the encouragement of the use of timber as a structural material in high rise buildings to reduce the use of concrete.

Seismic bracing/strengthening (G87-G88)

163. McIndoe Urban Limited [135.55] considers that G87 is unsound and precludes the diagrid buildings that are a feature of innovative contemporary structure and architectural design in Wellington. The submitter further notes in an earthquake prone city, expression of strength of a building can be structurally efficient, psychological comforting and architecturally viable.
164. McIndoe Urban Limited [135.56] considers exoskeletons, external columns and external bracing elements should not be precluded as these may be the only way of saving existing unsound buildings, and can be successfully achieved, and seeks that G88 be amended to identify the qualities required.

Compatibility of uses (Mixed Use) (G90)

165. McIndoe Urban Limited [135.58] considers that while G90 is sound in principle, the second bullet point is vague and undefined.

Accessibility (G91)

166. Nick Ruane [61.4, 61.5] (opposed by the Retirement Villages Association of New Zealand Incorporated [FS126.185] and Ryman Healthcare Limited [FS128.185]) opposes G91 and seeks that the 'where possible' is removed.
167. McIndoe Urban Limited [135.59] considers that the italicised bullet points under G91 address a level of detail that is not provided and should not be necessary at the time of resource consent and seeks that these be deleted.
168. Disabled Persons Assembly New Zealand Incorporated [343.14] considers that inserting the term 'ensure' rather than 'consider' in clause G91 provides greater emphasis on the need to meet standards.

Carbon reduction - buildings (G92-94)

169. McIndoe Urban Limited [135.60] considers that G93 requires a level of detail that is unlikely to be known or assessed at the time of resource consent.

Waste reduction (G95-G96)

170. McIndoe Urban Limited [135.61, 135.62] considers that G95 and G96 are sound in principle but relating to matters of specification and construction methodology and are more appropriately addressed at the time of building consent. The submitter seeks that these are deleted.

Assessment

171. While I acknowledge the various submission points on specific guidelines above, as detailed elsewhere in this section 42A report there has been a wholesale review of the CMUDG.
172. As a result, the following changes have been incorporated into the 'Recommended Centres and Mixed Use Design Guide' that is provided at Appendix A (ie at Appendix 2 to the Boffa Miskell Report):
- a. The overarching 'Outcomes' have been reduced in number and relocated so that each Outcome sits with its group of associated guidelines;
 - b. Guidelines are numbered sequentially throughout the Design Guide;
 - c. There has been a reduction in the number of guidelines from 97 to 47. This change has involved the consolidation of some of the guidelines and deletion of others.
173. Full details of the changes to the CMUDG are provided in the Boffa Miskell Report and JWS provided at Appendices A and C respectively.

Recommendations

174. **WU-P2-Rec12:** That the Recommended Centres and Mixed Use Design Guide, provided at Appendix 2 of the Boffa Miskell Report (dated 18 August 2023), replaces the notified Centres and Mixed Use Design Guide without further amendment.
175. **WU-P2-Rec13:** That submission points relating to the Centres and Mixed Use Design Guide are accepted/rejected as detailed at Appendix B.

12.0 Subdivision Design Guide

176. As outlined in the Subdivision section 42A Report, Minute 24 from the IHP directed that the SDG be included in the review process. Therefore, while the submissions relating to the SDG have been set out in the Subdivision section 42A report, the assessment and recommendations in relation to these submissions was not. Links to the relevant reports are provided below:

[Section 42A Report - Subdivision \(wellington.govt.nz\)](#)

Matters raised in submissions

177. Paul M Blaschke [435.12] seeks that the SDG is retained as notified.
178. Wellington Heritage Professionals [412.99, 412.100] seek that G1 and G4 of the SDG are retained as notified.
179. VicLabour [414.51] seeks the prioritisation of pedestrian experience, including the emphasis on accessibility, for subdivisions.
180. Kāinga Ora Homes and Communities [391.196, 391.197] (opposed by Heritage New Zealand [FS9.3, FS9.4] and Onslow Residents Community Association [FS80.24]) opposes all references to Design Guides throughout all rules in the PDP and seeks deletion of them from the Plan.
181. McIndoe Urban Limited [135.120] considers that the SDG contains a lot of detail that will not be relevant to many small subdivision applications. The submitter seeks that the SDG identifies different types and scales of subdivision and introduces a mechanism to identify which guidelines apply to each type and scale of subdivision.
182. The Wellington City Council [266.187] seeks to amend G19, G20, and G21 in the SDG to reference natural wetland, and G23 to reference constructed wetland.
183. Greater Wellington Regional Council [351.339, 351.340] support the intent of the guidelines, but considers that the current phrasing of policy G21 in the SDG could suggest that piping streams is a way to avoid adverse effects on water quality and seeks the following amendment:

G21

Streams or wetlands should not be disturbed. However, where development does impact a stream (such as piping streams), alternative design solutions for stormwater management must be provided that will not adversely affect the waterway's quality (or ecological health).~~., such as piping streams.~~

184. The Glenside Progressive Association Incorporated [374.14] seek that the SDG be stricter in restricting earthworks in elevated development areas, particularly Upper Stebbings and Glenside West. This is opposed by Lincolnshire Farm Limited, Hunters Hill Limited, Best Farm Limited, Stebbings Farmland [FS75.7] on the basis that the areas identified in Upper Stebbings and Glenside West are identified for increased housing development and earthworks will be necessary to facilitate this.

Assessment

185. While I acknowledge the support from Paul M Blaschke [435.12] and partial support from the Wellington Heritage Professionals [412.99, 412.100], the expert witness conferencing recommends that the SDG is amended to incorporate the structure changes that have also been applied to the RDG and CMUDG, including:
- a. Relocation of the outcomes adjacent to the applicable guidelines;
 - b. Sequential numbering of the guidelines;
 - c. Removal of the points system; and
 - d. A reduction in the number of guidelines
186. Assessments of the submission points above are included in Appendix B provided in the Statement of Evidence prepared by Ms Sarah Duffell. Ms Duffell has responded to submission points relating to specific guidelines.
187. I agree with the advice provided by Boffa Miskell and Ms Duffell and consider that the Recommended Design Guide included at Appendix A (Appendix 4 to the Boffa Miskell Report) is an appropriate response to the submission points set out above.

Recommendations

188. **WU-P2-Rec14:** That the Recommended Subdivision Design Guide, provided at Appendix 4 of the Boffa Miskell Report (dated 18 August 2023), replaces the Notified Design Guide.
189. **WU-P2-Rec15:** That submission points relating to the Subdivision Design Guide are accepted/rejected as detailed at Appendix B.

13.0 Heritage Design Guide

190. As outlined in Minute 23, the IHP has also directed that the HDG be included in the Design Guides review process.
191. Submission points relating to the HDG were set out in the section 42A report and associated Supplementary Statement of Evidence and Right of Reply prepared for Hearing Stream 3:
[S42A Hearing Stream 3 - Historic Heritage, Sites and Areas of Significance and Notable Trees \(wellington.govt.nz\)](https://www.wellington.govt.nz)

Assessment

192. Submission points relating to the Heritage Design Guide were addressed at Hearing Stream 3 and no further assessment is required.
193. With respect to the structure and content of the HDG, I consider that the changes simplify the Design Guide and recommend that the changes set out in the JWS are adopted.

Recommendations

194. **WU-P2-Rec16:** That inclusive of the changes recommended by Mr McCutcheon in his s42A report for hearing stream 3 (HS3-Rec125, HS3-Rec126, HS3-Rec132, HS3-Rec140 and HS3-Rec146) and Right of Reply for Hearing Stream 3 (paragraphs 133 and 138) the Recommended Heritage Design Guide, provided at Appendix 3 of the Boffa Miskell Report (dated 18 August 2023), replaces the notified Heritage Design Guide.

14.0 Joint witness statement and Dr Zamani's expert evidence

195. I consider that there are benefits in the combined recommended amendments of the expert witness group as contained in their joint witness statement, including:
- a. Changes to the structure of the RDG, CMUDG, SDG and HDG, including relocating outcomes adjacent to their associated guidelines, the removal of the points system and sequential numbering;
 - b. The Design Guides should adopt directive approach, with a two-tier hierarchy of guidelines that should occur in all cases and those that should be considered more generally;
 - c. Consolidation of guidelines and a reduction in the total number of guidelines, particularly in the RDG and CMUDG.
196. There are however outstanding matters between experts to the JWS. Dr Zamani has his own views on those matters in contention.
197. At this stage I am inclined to agree with the advice of Dr Zamani on these outstanding matters but note that I am unable to come to an informed decision until further expert evidence is received from the remaining parties to the JWS.

198. I expect this evidence will be received before the hearing. I intend to respond to this through rebuttal. It may be that I change my view on these matters after reviewing that advice.
199. Dr Zamani has signed the JWS in his capacity as urban design expert for the Council. The Statement of Evidence prepared by Dr Zamani provides further details of his involvement with the expert witness conferencing and his position on the outcomes reached.
200. In his Statement of Evidence, Dr Zamani identifies that the urban design experts did not agree on several matters within the Design Guides.
201. Dr Zamani has the following views on the outcomes and guidelines in contention:
- a. **Guideline 4 – Retention of trees**
 - i. Considers that existing trees should be mentioned in the guidance point and seeks retention.
 - b. **Outcome 4 – Provision of common private open spaces on site**
 - i. Considers that private open spaces are already addressed by guidance.
 - c. **Outcome 17, Guideline 46 and Guideline 47 - Internal amenity**
 - i. Considers that internal amenity holds a significant role within the realm of urban design such that outcomes and guidance relating to open air laundry should be retained.
 - d. **Application to retirement villages**
 - i. Considers that retirement villages should be subject to the design guides.
202. I agree with the position of Dr Zamani on these matters, again noting that I have not seen the expert evidence of other parties to the JWS at the time of publication.
203. Adoption of the recommended design guide versions of the above Outcomes and Guidelines would satisfy my own recommendations and Mr Zamani’s relief. This is why I recommend adoption of the design guides as received from Boffa Miskell.

15.0 Linkage to District Plan provisions

204. At paragraph 143 of the Boffa Miskell Report, titled “Intent Heading” the authors of that report identify that the Design Guides are ‘activated’ in a consent process through matters of discretion in the rules that link to a policy that describes what the Design Guides seek to achieve, using the work ‘fulfils the intent’ of the relevant Design Guide.

205. This is only partially correct in that the rules for the residential zones indeed include a matter of discretion regarding the design guides. However, as detailed in the section 42A reports prepared for Hearing Stream 4, this is not a consistent approach taken across the PDP.
206. Within the notified PDP a number of rules list the RDG and/or CMUDG as a matter of discretion. Authors of the section 42A reports Commercial and Mixed Use Zones (myself and Ms Hayes) have recommended the following changes:
- a. That the matters of discretion referring to Design Guides are removed from the rules, on the basis that the matters of discretion also require consideration of the relevant policies, which include design considerations;
 - b. That the Design Guides are included in the design and residential-amenity related policies, to correspond with the change above and ensure that the Design Guides are captured under the matters of discretion;
 - c. That the policies refer to “meeting the requirements” of the relevant Design Guide “where relevant”.
207. The Boffa Miskell Report recommends consistency across the District Plan when referencing the requirements of the Design Guides. I agree that this is important.
208. I note that the wording “meeting the requirements” was introduced due to concerns that the ‘fulfilling the intent’ was unclear. I acknowledge that the Recommended Design Guides each include a statement of their intent. As such, the application of this wording will no longer be as subjective.
209. I therefore agree that this wording should be introduced across the suite of Commercial and Mixed Use Zones provisions, as well as elsewhere in the plan where the consideration of the Design Guides is required.
210. The provisions that this change applies to are set out in the table below, with updated Commercial and Mixed Use Zone and Waterfront Zone chapters at Appendix E of this report. I note that the Hospital Zone and Tertiary Education Zone, which also reference the Design Guides, will be addressed in Hearing Stream 7 and I have not recommended changes at this stage (noting that the same changes will apply and should be consequentially made at that time).
211. An additional change resulting from the expert witness conferencing is that the CMUDG will incorporate guidelines relating to residential buildings within the Commercial and Mixed Use Zones, and the RDG will no longer apply to developments in these zones. As a consequence, references to the RDG in the Commercial and Mixed Use Zone chapters should be replaced with references to the CMUDG. These changes are also shown at Appendix E.

Recommendations

212. **WU-P2-Rec17:** That the following District Plan provisions shown are updated, as shown in Appendix E of this section 42A report:

Zone	Provision	Provision Title
City Centre Zone	CCZ-P9 CCZ-P10 CCZ-PX CCZ-PREC01-P4	Quality Design Outcomes On-site Residential Amenity Retirement Villages Amenity and Design
Metropolitan Centre Zone	MCZ-P7 MCZ-P8 MCZ-PX	Quality Design Outcomes On-site Residential Amenity Retirement Villages
Local Centre Zone	LCZ-P7 LCZ-P8 LCZ-PX	Quality Design Outcomes On-site Residential Amenity Retirement Villages
Neighbourhood Centre Zone	NCZ-P7 NCZ-P8 NCZ-PX	Quality Design Outcomes On-site Residential Amenity Retirement Villages
Mixed Use Zone	MCZ-P5 MCZ-P6	Residential Activities Design of New Development
Commercial Zone	COMZ-P5 COMZ-P6	Quality Design Outcomes On-site Residential Amenity
Waterfront Zone	WFZ-R17	Conversion of buildings or parts of buildings to residential activities
Subdivision chapter	Policies	Tbc per amendments recommended in the hearing stream 5 right of reply.
General Rural zone (yet to be heard) not provided in Appendix E	GRUZ-P8 GRUZ-P10 GRUZ-R18	New Residential buildings Potentially compatible buildings and structures Construction, addition or alteration to residential buildings and structures
Hospital Zone (yet to be heard) not provided in Appendix E	HOSZ-R5 HOSZ-R6	Additions and alterations to buildings and structures Construction of new buildings and structures
Tertiary Education Zone (yet to be heard)	TEDZ-R6 TEDZ-R7	Additions and alterations to buildings and structures Construction of new buildings and structures

not provided in Appendix E		
----------------------------	--	--

16.0 Section 32AA Assessment

213. Section 32AA of the Resource Management Act 1991 requires an evaluation of the recommended amendments where there is a departure from the notified proposal.

214. I recommend that the IHP adopt the Recommended Design Guides, including my further recommended amendments. The Section 32AA assessment below demonstrates why this option is the most effective and efficient.

Adopt (with amendments as recommended by the reporting officer) the revised Residential, Centres and Mixed Use, Subdivision, and Heritage Design Guides (Recommended)	Costs	Benefits	Risk of Acting / Not Acting
<ul style="list-style-type: none"> • Statutory Design Guides. • Reduced number of guidelines from: <ul style="list-style-type: none"> ○ 137 to 47 in the RDG; ○ 97 to 47 in the CMUDG; • Numbering of design outcomes. • Removal of repetition and duplication. 	<p>Environmental</p> <ul style="list-style-type: none"> • There are limited new environmental costs arising from the revision of the Design Guides given that the design guidance helping ensure positive environmental outcomes through design outcomes has been retained, albeit restructured and simplified. 	<p>Environmental</p> <ul style="list-style-type: none"> • Simplifying the design guidelines means that they are likely to be more easily understood from early in the design process. Accordingly, it is more likely that their intent is fulfilled in the evolution of the proposal and consented as such. • Relatedly, the revised Design Guides are more focused on 	<p>Not adopting (with amendments as recommended by the reporting officer) the revised RDG, CMUDG, SDG and HDG has the following risks:</p> <ul style="list-style-type: none"> • A large number of guidelines which make it difficult to provide an assessment: <ul style="list-style-type: none"> ○ 137 in the RDG; ○ 97 in the CMUDG; ○ 60 in the SDG; and ○ 43 in the HDG.

<ul style="list-style-type: none"> • Consistent use of language throughout. • Removal of the ‘dot system’ and replacing with consistent and clear direction through use of directive (not suggestive) language. • Provision of greater certainty of design expectations. • Relocation of guidelines under relevant outcomes. • Increased consistency between the PDP provisions and Design Guides. • Removal of guidance overlap between zones – limiting the application of Design Guides such that the RDG only applies to residential development in the residential zones and the CMUDG only applies to development in the Commercial and Mixed-Use Zones. 	<ul style="list-style-type: none"> • Removal of G5 from the HDG (waterway contamination) will not be able to be considered when removed, but given it is not a matter of design control it would be unlikely to be able to be enforced. <p>Economic</p> <ul style="list-style-type: none"> • There are limited new economic costs arising from the revision of the design guides given that they are recommended to remain a statutory component of the District Plan in the same way that the notified versions were proposed to. • Accordingly, a full assessment of a development proposal against the Design Guides will be required if triggered by the relevant rules. This will continue to add to the cost of a development proposal but is unlikely to be significant in the scheme of development costs considering the positive environmental benefits. <p>Social and cultural</p>	<p>those guidelines with greatest opportunity for positive environmental outcomes such that a designer can focus on development responses that achieve them.</p> <ul style="list-style-type: none"> • This contrasts with the possible outcomes if the Design Guides were to be non-statutory, as there would be heavy reliance on the opinions of urban designers what good design looks like in absence of principles agreed by experts. As a result, there would be greater chance of poor environmental outcomes. <p>Economic</p> <ul style="list-style-type: none"> • The proposed changes will result in less confusion for applicants and greater certainty of the design outcomes seeking to be achieved from initial development design. • Given this, it is likely there would be less time cost revising proposals because of feedback from pre-application meetings and other advice from Council’s 	<ul style="list-style-type: none"> • Design outcomes are not numbered, this creates difficulties with referring to guidelines in an assessment. • Significant repetition and duplication throughout. • Inconsistent use of language which makes it difficult to understand the outcomes seeking to be achieved. • The dot system is confusing to implement – it is unclear to what extent the dots demonstrate the necessity of an assessment against guidelines. • Due to the large number of guidelines and duplication of guidelines, it is difficult to understand the design outcomes seeking to be achieved. • Some of the guidelines are not in logical places within the Design Guides. • There are instances where the notified Design Guides do not align
--	--	---	--

	<ul style="list-style-type: none"> • There are unlikely to be social and cultural costs arising from the revision of the Design Guides given that guidelines seeking to ensure positive social and cultural outcomes have been retained, if simplified. • The guidelines removed that may have had positive social and cultural outcomes have been combined into other guidelines such that these benefits have not been lost. 	<p>urban design and resource consent staff who will be seeking to actively apply the guidelines.</p> <ul style="list-style-type: none"> • The proposed changes notably reducing the number of guidelines and combining the guides is likely to assist Council officersto assess resource consent applications faster. It is also likely to help reduce time required for pre-application meetings for design matters, as they can be more focussed. <p><i>Social and cultural</i></p> <ul style="list-style-type: none"> • The restructuring of the HDG to be clearer and more focussed will result in less confusion for applicants and greater certainty of the design outcomes and heritage outcomes seeking to be achieved from initial development design. • These benefits are accrued by the cultural benefits for the wider Wellington community. • A more focussed HDG will also have greater ‘public reach’, such 	<p>with the PDP provisions, or replicate PDP provisions.</p> <ul style="list-style-type: none"> • There is guidance overlap between zones. For example, on some sites both the RDG and CMUDG can apply which makes an assessment confusing given the significant overlap and often competing guidelines. <p>Cumulatively, the notified Design Guides could result in decisions from Council Officers which are inconsistent. This is due to the inconsistent language used in the Design Guides and the repetition/duplication of guidelines.</p> <p>The risk of acting is negligible, as the recommended design guides have been subject to expert conferencing. There is agreement between the experts that the revisions have improved the notified product, with only a small number of matters outstanding between them.</p>
--	--	--	--

		<p>that the community will be able to understand what features and design elements of heritage buildings contribute to their significance.</p>	
<p>Overall Evaluation of Effectiveness and Efficiency</p>	<p>The Recommended Design Guides are not dissimilar to the Design Guides notified as part of the PDP. They continue to address the same matters as the notified Design Guides, though in a more streamlined manner.</p> <p>Given this the Recommended Design Guides are more efficient and effective at achieving the purpose of the Act and achieving the strategic objectives of the PDP than retaining the notified Design Guides.</p> <p>The key reasons for this include:</p> <ul style="list-style-type: none"> • The Recommended Design Guides are less complex and easier to undertake assessments against than the notified design guides. This is due to the removal of repetition/duplication, clearer language, and the restructuring of the guides. • The Recommended Design Guides will result in reduced cost and time implications for developers and applicants, compared to those that could be expected under the notified design guides. • The proposed language of the Recommended Design Guides removes the potential for ambiguity, through the inclusion of directive language rather than suggestive. This will result in increased consistency when undertaking assessments and overall increased certainty for developers and applicants. • The revised language also makes it clear which guidelines apply and when. This removed the need for the ‘dot system’ which was difficult to understand and difficult to use as a determinant for which guidelines were relevant. • Guidelines that are already addressed substantially by District Plan provisions, or other regulations such as the Building Code have been removed, reducing any possibility of regulatory overlap. • The revised Recommended Design Guides provide clearer and more consistent guidance on what is considered good urban design. Given this, they will assist to create a high quality urban design outcomes and an overall well-functioning urban environment, as is required under Policy 1 of the NPS-UD. 		

17.0 Minor and Inconsequential Amendments

215. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its PDP to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
216. There are no minor or inconsequential amendments recommended.

18.0 Conclusion

217. Submissions have been received both in support and opposition of the RDG, CMUDG, SDG and HDG as addressed in this report and the relevant preceding section 42A reports.
218. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that Design Guides at Part 4 of the PDP should be amended as set out in Appendix 1 to 5 of the Boffa Miskell Report, provided as Appendix A of this report.
219. Taking into account the information provided in the Boffa Miskell Report, Joint Witness Statement and Statement of Evidence provided by Dr Zamani, I consider that the amended 'Recommended Design Guides' and associated District Plan objectives, policies and rules within the zone-based chapters, will be the most appropriate means to:
- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - b. Achieve the relevant objectives of the PDP.

19.0 Recommendations

220. I recommend that:
- a. The Recommended Design Guides developed as a result of the expert witness conferencing and provided within Appendices 1 to 5 of the Boffa Miskell Report, which is provided at Appendix A of this section 42A report, are adopted into the District Plan to replace the notified Design Guides; and
 - b. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report.