

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

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** Hearing submissions and further submissions on the  
Proposed Wellington City District Plan

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**Statement of supplementary planning evidence of Anna Mariebel Sutherland  
Stevens on behalf of Wellington City Council**

**Date: 12 September 2023**

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**INTRODUCTION:**

1 My name is Anna Stevens. I am employed as a Team Leader in the District Planning Team at Wellington City Council.

2 I have read the respective evidence in relation to the Design Guides provided by the following parties:

**Stratum Management Limited ID 249**

- a. Maciej Lewandowski

**McIndoe Urban Limited ID 135**

- a. Graeme McIndoe and Andrew Burns

**Restaurant Brands Limited ID 349**

- a. Mark Arbuthnot

**Kāinga Ora ID 391 & FS81**

- a. Matthew Heale
- b. Nick Rae

**Willis Bond ID 416 & FS12**

- a. Nick Owen

**Retirement Villages Association & Ryman Healthcare ID 346, 350, FS126 and FS128**

- a. Rebecca Skidmore
- b. Nicola Williams

3 I have prepared this Supplementary Statement of Evidence in response to expert evidence submitted by the people listed above to support the

submissions and further submissions on the Proposed Wellington City District Plan (the Plan / PDP).

- 4 Specifically, this statement of evidence relates to the matters of:
- a. [Wrap Up Hearing – ISPP Provision Section 32A Report – Part 2 – ISPP Wrap Up Hearing – Design Guides](#)

#### **QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT**

- 5 My [section 42A report](#)<sup>1</sup> sets out my qualifications and experience as an expert in planning.
- 6 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Hearing Panel (IHP) hearing.

#### **SCOPE OF EVIDENCE**

- 7 My statement of evidence responds to the expert evidence listed above with respect to the following matters:
- a. Support for the Design Guides review process and changes to the Design Guides
- b. Design Guide Introduction Document
- c. Residential Design Guide and Centres and Mixed Use Design Guide
- d. Subdivision Design Guide
- e. Heritage Design Guide
- f. Policies
- g. Operational and Functional Requirements

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<sup>1</sup> Wellington City Council Proposed District Plan [S42A ISPP Wrap-Up Hearing – Part 2 Design Guides report](#), 2023

- h. Urban Design Panel
- i. Sites or Areas of Significance to Māori
- j. Application to Retirement Villages
- k. City Outcomes Contribution

## RESPONSES TO EXPERT EVIDENCE

### Support for the Design Guides review process and changes to the Design Guides

8 It is encouraging to note that there is general agreement between the experts party to the Joint Witness Statement (JWS)<sup>2</sup>, and in other evidence received, that the RDG and CMUDG are now fit for purpose and suitable for statutory inclusion in the District Plan. Mr Owen notes in paragraph 19 of his statement of evidence<sup>3</sup> that the design guides have been “...*extensively improved. In my view, they are now much more fit for purpose.*” These are sentiments echoed by Graeme McIndoe and Andrew Burns at paragraph 12 of their evidence<sup>4</sup>. Mr Lewandowski concurs in paragraph 5.1 of his evidence<sup>5</sup> where he notes that both “*the RDG and CMUDG are significantly improved from their notified versions, with the recommended changes addressing a range of issues identified in the Stratum submission.*”

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<sup>2</sup> Wellington City Council Proposed District Plan, [Appendix D – Part 2 – Joint Witness Statement of Urban Design Experts](#), 2023

<sup>3</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Nick Owen on behalf of Willis Bond, 2023

<sup>4</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Graeme McIndoe and Andrew Burns on behalf of McIndoe Urban, 2023

<sup>5</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Maciej (Mitch) Lewandowski on behalf of Stratum Management Ltd, 2023

- 9 Ms Skidmore on behalf of the Retirement Villages Association and Ryman Healthcare Limited notes in paragraph 25 of her evidence<sup>6</sup> that through the expert conferencing and review process *“has resulted in a considerable rationalisation of the outcomes and guidance points contained in the RDG and CMUDG. Greater clarity is also provided through careful selection of wording. I consider these improvements will assist in the understanding of the RDG and CMUDG when preparing urban design assessments in resource consent processes”*.
- 10 Mr Heale on behalf of Kāinga Ora in his evidence<sup>7</sup> notes that subject to refinement *“the Design Guides could remain as a statutory part of the PDP particularly if they are appropriately referenced in relevant district plan provisions”*.
- 11 I acknowledge that most parties have sought some further refinements to the RDG, CMUDG, Heritage Design Guide (HDG) and Subdivision Design Guide (SDG) through their evidence. This is addressed in subsequent sections of this rebuttal evidence.

### **Design Guide Introduction Document**

- 12 In paragraphs 68-75 of my Wrap-up stream (ISPP) - Part 2 Design Guides S42A report<sup>8</sup> I discuss the Introduction to the Design Guides document. I maintained 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. I did, however, note that the

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<sup>6</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Rebecca Skidmore on behalf of Retirement Villages Association and Ryman Healthcare Ltd, 2023

<sup>7</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Matthew Heale on behalf of Kāinga Ora, 2023

<sup>8</sup> Wellington City Council Proposed District Plan [S42A ISPP Wrap-Up Hearing – Part 2 Design Guides report](#), 2023

urban design experts have expressed that the RDG, CMUDG and other Design Guides are standalone documents and that changes were sought to the Introduction document.

- 13 The Proposed Wellington City District Plan Design Guides Review report by Boffa Miskell<sup>9</sup> discusses the Design Guides Introduction at section 4.7. It describes that the document *“provides a narrative introduction to the Design Guides which sets out, amongst other matters, the principles on which the Design Guides are based, and how these principles were developed”*.
- 14 The report<sup>10</sup> notes that *“some submitters have requested that the Introduction document be removed from the District Plan to reduce the complexity of overall package of design guides. Except for the Waterfront Zone, the District Plan’s policies and rules do not refer to this document (instead, they refer to individual design guides). On this basis, the contribution of the Design Guides Introduction to the complexity of the Plan may be more of an issue of perception.”*
- 15 Boffa Miskell<sup>11</sup> recommended some amendments to the Introduction document in section 4.3.8 of their report. The Panel did not direct the document to be included in the review, however, Boffa Miskell considered it was important the following consequential amendments were made based on the outcome of the review:
- a. Amendment to the list of themes under the “Design outcomes” heading and to the sections within the document that describe the design outcomes to incorporate amendments recommended for the RDG and CMUDG (pages 5 and 13-15 of

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<sup>9</sup> [Proposed Wellington City District Plan Design Guides Review report](#) by Boffa Miskell, 2023

<sup>11</sup> [Proposed Wellington City District Plan Design Guides Review report](#) by Boffa Miskell, 2023

the notified document and page 3 and 7-8 of the recommend document in Appendix 5 of their report respectively);

- b. Removal of the flow-charts on pages 7 and 8 of the notified document; and
- c. Removal of the contents pages and the orange coloured pages.

16 The Introduction document is a useful 'genesis' document that provides background context to the development of the Design Guides, as well as setting the design principles on which the Design Guides are based and how these were developed, as well as design outcomes. It also provides valuable context with respect to mana whenua identities, worldviews and practice.

17 Upon review of the submitter expert evidence for the ISPP Wrap-Up hearing, there a desire from a number of experts that the Design Guides Introduction be deleted. McIndoe Urban, in their statement of evidence<sup>12</sup>, consider that the document should not be included in the District Plan for the following reasons:

- a. *"Retention of this in the Plan does not achieve the rationalisation of the Design Guides as requested by the submitters.*
- b. *If it remains then two design guide introductions apply, one being the "Design Guide Introduction" and the second being the "Introduction" in each design guide. This is confusing.*
- c. *Retaining this is not consistent with the principles articulated in the expert conferencing such as streamlining to remove duplication and overlap."*

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<sup>12</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Graeme McIndoe and Andrew Burns on behalf of McIndoe Urban, 2023

- 18 Mr McIndoe and Mr Burns state that one of the conferencing outcomes was that the Design Guides should be separate standalone documents, with the implications of this, in their minds, being that the Introduction document should not apply to any application assessed under the RDG or the CMUDG. While Mr McIndoe and Mr Burns consider the intent of the document is reasonable and justifies the use of Design Guides, they consider however that it has no bearing on the assessment of consent applications and should therefore be removed. They suggest amendments to the document if it is to be retained in the District Plan.
- 19 Mr Rae on behalf of Kāinga Ora in his statement of evidence<sup>13</sup> for the ISPP Wrap-Up hearing echoes similar sentiments, noting that it has not been subject to conferencing but considers that it repeats the strategic objective CC-03 relating to design principles. Amongst other considerations, Mr Rae believes there is inconsistency in the terms used in the document. Mr Rae considers that the *“introduction chapter adds confusion and may be best as an information document outside the Plan providing a contextual background.”*
- 20 Ms Skidmore on behalf of Ryman Healthcare and the Retirement Villages Association in her statement of evidence considers that the Design Guide Introduction document should not be included in the District Plan due to it being *“unnecessary, and it reduces clarity and focus”*. Ms Skidmore considers that the RDG and CMUDG as drafted are self-contained documents with carefully worded introduction sections, and that the Introduction document is unclear, verbose and does not assist in the use of the RDG and CMUDG.
- 21 Upon reviewing the expert evidence and giving it further deliberation, I consider that there are three options for addressing the Design Guide Introduction document:

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<sup>13</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Nick Rae on behalf of Kāinga Ora, 2023



- a. Retaining the Design Guides Introduction with the recommended Boffa Miskell Report<sup>14</sup> Appendix 5 amendments; or
- b. Making the document, as suggested by Mr Rae, a non-statutory information document that sits outside of the District Plan, which provides a useful contextual background to the Design Guide review and genesis; or
- c. Deleting the Design Guide Introduction in its entirety.

22 Based on careful consideration of the evidence, I consider that option (a) is no longer tenable as retention of the Design Guide Introduction document within the District Plan provides no obvious value following review of the CMUDG and RDG.

23 My rationale for this conclusion is that, as widely discussed in various experts' evidence, the RDG and CMUDG are now robust and fit for purpose, and provide an appropriate methodology and criteria for assessment of applications. Another reason is that the terminology and some of the content within the Introduction is now out-dated as a result of the Design Guides review process.

24 Options (b) or (c) are therefore worthy of further consideration. Whilst the outcomes are now located with the RDG and CMUDG and in effect trump the Introduction document's outcomes, there is merit to the Introduction document from a scene setting and context perspective. As the Boffa Miskell report<sup>15</sup> also details on page 167, the document was developed with significant mana whenua input. With this in mind there

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<sup>14</sup> [Proposed Wellington City District Plan Design Guides Review report](#) by Boffa Miskell, 2023

<sup>15</sup> [Proposed Wellington City District Plan Design Guides Review report](#) by Boffa Miskell, 2023

is benefit from a contextual perspective having this document outside of the District Plan.

- 25 However, the risk of deleting the document in its entirety is also relatively low as there are no flow on effects of doing so from a District Plan usability perspective. As noted under the notified PDP it is only the Waterfront Zone that references to the Introduction. This was done in the absence of an updated statutory Waterfront Framework to give effect to in the PDP. Following the review of the CMUDG, it is confirmed that it will apply to the Waterfront Zone. My Wrap-up hearing stream (ISPP Provisions) Part 2 Design Guides S42A report<sup>16</sup> recommended subsequent amendments as a result of the Design Guide review to replace reference to the RDG with the CMUDG in the Waterfront Zone.
- 26 I consider that a subsequent change is needed to remove reference in the Waterfront Zone to the Design Guide Introduction document and replace this with reference to the CMUDG.
- 27 With regards to the fate of the Introduction document, Dr Zamani has advised that his preference is that if the document is recommended to be removed from the District Plan, that it remain a non-statutory document available to the public. Dr Zamani notes that this document provides a good overview of the Design Guides, background content, general principles and detail of design outcomes for mana whenua.

### **Residential Design Guide and Centres and Mixed Use Design Guide**

*Criteria for reviewing further changes sought to the CMUDG and RDG through evidence:*

- 28 Whilst all submitters acknowledged that CMUDG and RDG were in an improved state than that which was notified, most submitters sought some further refinements to the Design Guides. In assessing whether I

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<sup>16</sup> Wellington City Council Proposed District Plan [S42A ISPP Wrap-Up Hearing – Part 2 Design Guides report](#), 2023

support the changes proposed I have focussed directly on the nature of the change and what was agreed to in the JWS<sup>17</sup> signed by the urban design experts. As such my recommendations are as follows:

- Where a change has been sought to **fix minor typo or grammar concerns** I have agreed and recommended this change in Appendix 1 (my rebuttal amendments to the RDG) and Appendix 2 (my rebuttal amendments to the CMUDG).
- Where a change has been recommended that **identifies a JWS agreed outcomes by all parties, which was not included in the final revised Design Guides**, I have agreed and recommended this change in Appendix 1 and Appendix 2.
- Where a change has been recommended that **does not align with the JWS agreed outcomes**, I have disagreed and not recommended any changes.
- Where a change has been recommended to a guideline **of which the JWS has recorded their disagreement between urban design experts over an agreed guideline change**, I have disagreed and not actioned the change.
- Where a change has been recommended that **was not addressed by the JWS, for example text in the RDG and CMUDG introductions, but which other experts are also seeking** I have agreed and recommended changes to the RDG and CMUDG in Appendix 1 and 2.
- Where a change has been recommended that **was not addressed by the JWS, nor have other experts identified this change**, I have disagreed and not recommended any changes.

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<sup>17</sup> Wellington City Council Proposed District Plan, [Appendix D – Part 2 – Joint Witness Statement of Urban Design Experts](#), 2023

*Introduction to the RDG and CMUDG*

- 29 Some submitters were pleased with the changes to the RDG and CMUDG introductions. Mr Lewandowski supports the “clear” ‘Intent’ statements added to each guide, which supports linkages to the policies. Ms Skidmore notes that the *“Introduction section in both the RDG and the CMUDG is important as it sets out the intent, structure and requirements of each of the Guides, and the relationship with other Guides. In my view, the introduction section means that it is much clearer how each of the Guides is to be applied.”*
- 30 Mr Owen in his evidence<sup>18</sup> on behalf of Willis Bond notes the RDG and CMUDG would benefit from further clarification as to how applicants are to address design outcomes and guidance points. He further contends that it is important that there is a clear process to demonstrate compliance with the Design Guides, noting a lack of clarity will lead to inefficiency and increased time and cost for applicants and decision makers.
- 31 Mr Owen, Mr Heale<sup>19</sup> and Mr Rae<sup>20</sup> consider the RDG and CMUDG introductions should explain the difference between directive guidance points and consideration guidance points. Mr Rae has suggested a change to the respective introductions to reflect the difference in guidance points – directive vs consider. I have recommended that some of the text changes Mr Rae has recommended be carried through to the

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<sup>18</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Nick Owen on behalf of Willis Bond, 2023

<sup>19</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Matthew Heale on behalf of Kāinga Ora, 2023

<sup>20</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Nick Rae on behalf of Kāinga Ora, 2023

introductions to the RDG and CMUDG. This change provides clarity for District Plan users and does not contravene JWS<sup>21</sup> agreed outcomes.

32 However, Mr Rae<sup>22</sup> has recommended a series of other changes in section 6 of his evidence and in his marked-up appendices of the RDG and CMUDG. I do not agree with the rest of these changes as they were not agreed to by other urban design experts involved in conferencing, and will undermine the agreed revisions to the RDG and CMUDG.

33 Mr Heale in his evidence on behalf of Kāinga Ora sought that the Statement of Intent should be removed from the Design Guides *“as the intent of the Design Guides should be directed by PDP objectives and policies particularly as Design Guides cover multiple zones that are seeking to achieve different outcomes particularly in terms of levels of intensification. This then relates to how plan provisions should link to Design Guides.”* I disagree with Mr Heale as I consider the statements of intent are useful contextual information provided in the Design Guides to explain their purpose and the connection to guidance points and outcomes.

34 I also note that one of the review principles that guided the review of the Design Guides and the expert conferencing as recorded in the JWS<sup>23</sup> (C7) directs the Design Guides must be relevant to the District Plan, and support applicants to achieve the objectives and policies of the Plan. I consider this has been given effect to.

#### *Minor typos and grammatical fixes*

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<sup>21</sup> <sup>23</sup> Wellington City Council Proposed District Plan, [Appendix D – Part 2 – Joint Witness Statement of Urban Design Experts](#), 2023

<sup>22</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Nick Rae on behalf of Kāinga Ora, 2023

35 Mr McIndoe and Mr Burns in their evidence<sup>24</sup> have suggested a series of corrections to the RDG and CMUDG to correct typos or grammar issues. They have also, alongside Mr Rae, identified a handful of changes that were agreed to in the JWS<sup>25</sup> outcomes which were not actioned in the updated RDG and CMUDG included within the Boffa Miskell report. I have agreed to these changes as shown in Appendix 1 and 2 of this rebuttal.

*Responding to context*

36 Mr McIndoe and Mr Burns in their evidence note that *“In JWS conferencing the agreement was that the heading “Responding to the natural environment in an urban context” be removed and the outcomes and guidelines under that would all be under the heading “Responding to context”. While a new heading “Responding to context” with outcome O1 and guideline G1, that agreed position remains to be integrated in both the RDG and CMUDG. The heading “Responding to the natural environment in an urban context” should be deleted, and O1, O2 and O3 grouped together under the heading “Responding to context”.*

37 In response to this change sought I note that the first heading was changed to ‘Responding to context’ and it was framed to recognise that development will occur in an urban context, where the natural environment is likely to be highly valued. However, I note that in the expert conferencing table under ‘further analysis’ Boffa Miskell has noted that *“it is still appropriate that this section focus on the natural environment (within an urban context), to accord with the overall structure of the Design Guides.”* I agree with this conclusion and as such

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<sup>24</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Graeme McIndoe and Andrew Burns on behalf of McIndoe Urban, 2023

<sup>25</sup> Wellington City Council Proposed District Plan, [Appendix D – Part 2 – Joint Witness Statement of Urban Design Experts](#), 2023

have not agreed to the change sought by McIndoe Urban, or Mr Rae who sought this change also.

38 I have, however, agreed to amend the G1 advice note to remove reference to ‘of the natural environment’ so it is focused on the urban context. I consider this goes some way to satisfying the relief sought.

#### *Vegetation and planting – G4*

39 Mr Owen on behalf of Willis Bond<sup>26</sup> notes that there were disagreements among the experts as to whether this should be considered an urban design matter. Mr Owen sought further clarification regarding G4.7 and queried whether the wording related to the applicant’s desired “development outcome” or the Council’s as to when will a tree require relocating proposed buildings on a site. Mr Owen suggested that the guideline could be more appropriately expressed as a consideration point. I have not recommended an amendment to this guideline for three reasons:

- The JWS<sup>27</sup> records specific text amendments which were actioned, which identifies agreement on the guideline text. It would be unjust to change this now without other expert input.
- This would change the nature of the guideline from a directive to a consider guideline.

#### *Residential amenity and vehicle access and parking*

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<sup>26</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Nick Owen on behalf of Willis Bond, 2023

<sup>27</sup> Wellington City Council Proposed District Plan, [Appendix D – Part 2 – Joint Witness Statement of Urban Design Experts](#), 2023

- 40 Both Mr Owen and Mr Lewandowski sought an amendment to G44-Residential Amenity which deals with winter sunlight access to residential units. Mr Owen notes it will not always be possible to ensure residential units receive winter sunlight. I disagree with the suggested amendment to add 'where practicable' as I note that this was not agreed to in the JWS<sup>28</sup>, and it would change the nature of the guideline from a directive to a consider guideline.
- 41 Mr Lewandowski sought the equivalent change to the same CMUDG guideline G44, as well as an identical wording change to vehicle access and parking RDG guideline G18. I have not recommended these changes be made for the same reasons as mentioned.

### **Subdivision Design Guide**

- 42 At paragraph 1.4 of Mr Rae's evidence<sup>29</sup> he recommends that the SDG requires further refinement and would benefit from the same level of scrutiny that the RDG and CMUDG have undergone. Mr Rae considers that changes have not been made to the SDG to the extent necessary to give effect to the direction in minute 24. Mr Rae recommends a series of changes to the SDG as a result.
- 43 I disagree with these proposed amendments to the SDG as I consider it to be acceptable that the guidance points are different to the RDG given the differing focus on subdivision versus built development, and because of the restricted scope for changes. In my view, scope does not exist to support Mr Rae's changes to the SDG. As noted at paragraph 69 of the Boffa Miskell report, the review of the SDG was limited to structural matters and matters raised in submissions in accordance with minute 24

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<sup>28</sup> Wellington City Council Proposed District Plan, [Appendix D – Part 2 – Joint Witness Statement of Urban Design Experts](#), 2023

<sup>29</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Nick Rae on behalf of Kāinga Ora, 2023



released by the IHP. These amendments are listed in paragraphs 70-71 of the Boffa Miskell report.

### **Heritage Design Guide**

44 Of the submitter expert evidence received for the ISPP Wrap-up hearing, Mr Kelly's evidence on behalf of Wellington Heritage Professionals (WHP) was the only evidence in relation to the HDG. I note that the WHP has now withdrawn their evidence, as such no further assessment is needed.

### **Policies**

#### *Subdivision Chapter and SDG link*

45 In paragraphs 9.11 – 9.18 of his statement of evidence on behalf of Kāinga Ora, Mr Heale details his concerns with the linkages to the District Plan including the policy wording in applicable CMUZ and residential zones. Mr Heale seeks that the Subdivision chapter includes appropriate reference in relevant policy to the SDG and deletes the notified matter of discretion reference. I note that Ms Van Haren-Giles in her Hearing Stream 5 Subdivision Right of Reply response<sup>30</sup> in paragraphs 21-26 already addresses this matter and provides the necessary amendments in her amended Right of Reply Appendix A Subdivision Chapter tracked changes<sup>31</sup>. I support Ms Van Haren-Giles' changes with regard to the SDG and appropriate links within the plan to policy SUB-P3 Sustainable Design.

#### *Links to the RDG and CMUDG*

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<sup>30</sup> Wellington City Council Proposed District Plan Hearing Stream 5 [Right of Reply Responses of Hannah van Haren-Giles - Subdivision](#)

<sup>31</sup> Wellington City Council Proposed District Plan Hearing Stream 5 Right of Reply [Appendix A Amended Recommendation - Subdivision](#)

46 Mr Heale identifies four methods for Design Guides to link to the District Plan in paragraph 9.11 of his evidence including the method which I have suggested in my ISPP Wrap-up hearing s42A report<sup>32</sup> (Part 2 - Design Guides) that is, using the “intent” wording in relevant PDP policies with an “intent statement” in the relevant Design Guide. Mr Heale’s alternative suggestions include:

- reflecting the design principles/structure of the Design Guides in the relevant PDP policies (Kāinga Ora submission); or
- referencing the Design Guide “Design Outcomes” in the relevant PDP policies; or
- relying on the relevant zone objectives and policies to achieve the outcomes anticipated by the Design Guides.

47 I disagree with Mr Heale’s alternative suggestions for linking the Design Guides in policies because I do not see the merit in verbatim copying the wording of the Design Guide’s design outcomes into the policies. Whilst I think it is important that the Plan’s objectives and policies align with the stated outcomes of the Design Guides, they are not intended to replicate one another. In addition, copying the outcome would make policies substantially longer. A focus of the expert conferencing and the design guide review was to ensure that there was not unnecessary duplication between the Guides and the PDP.

48 Section 4.4.1 of the Boffa Miskell report<sup>33</sup> discusses the notified PDP policy linkages, identifying that the PDP as notified consistently uses the phrase “fulfils the intent of the [relevant design guide]” when referring to Design Guides in District Plan policies. The report details that this

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<sup>32</sup> Wellington City Council Proposed District Plan [S42A ISPP Wrap-Up Hearing – Part 2 Design Guides report](#), 2023

<sup>33</sup> [Proposed Wellington City District Plan Design Guides Review report](#) by Boffa Miskell, 2023

policy wording *“acknowledges that the Design Guides are intended to function as an integrated method for facilitating (and assessing) well-designed development and recognises that a degree of practical flexibility is necessary in the application of their contents to the circumstances of specific development proposals.”* I agree with this sentiment.

49 A change was recommended in Hearing Stream 4 to change the policy wording to *“meeting the requirements of the Centres and Mixed Use Design Guides”*. The report identified that this may have misconstrued the Design Guides as a set of standards (or requirements). As such the report recommended changing back to the notified PDP wording, *“to align with the intended application of the Design Guides more appropriately”*.

50 I have not changed my position since my S42a report in response to Mr Heale’s evidence. Mr Heale states that he is *“unaware of a section 32AA analysis of the best method to achieve PDP Design objectives via policies and other methods including Design Guides”*. I note that given the policy wording aligns with what is notified, and thus there effectively has not been a change in approach, that there is no requirement to undertake a S32AA assessment.

51 Mr Heale appears to have provided a S32AA options analysis on page 21 of his evidence. I consider the analysis for Option 1 (the notified PDP and my S42A approach) is substantially smaller and lacking detail compared to Mr Heale’s three options. He notes the *“Intent wording largely duplicates the relevant PDP objectives at a high level so is not considered particularly efficient or effective.”* I’m not sure how this is the case, and no further evidence of this is provided.

52 He further states that *“there will be additional costs of having to assess Intent as well as zone objectives”* and does not go into what these additional costs are. Given a design statement will be required, along with an assessment against the Design Guides and design outcomes

regardless, I do not see how having a simple policy reference adds additional cost. On the contrary I would argue additional costs come from having to read design outcomes/principles in the policy (as Mr Heale proposes) and in the Design Guides.

53 Mr Heale details that there is better coverage of design outcomes than guidance points in the PDP. Again, I note the intent of the PDP policies is not to replicate/duplicate the guidance points or vice versa.

54 Mr Heale has noted that *“while Centre design policies address Centre Design Guide matters, this is not the case with Residential Zone policies. This is why Kāinga Ora submissions sought that the design principles/structure from the Residential Design Guides were reflected in the residential design policies but not in the Centres design policies.”*

55 I note that comparatively the Residential Zones are a very different context and receiving environment to the CMUZ . They contain similar aspects to those covered in CMUZ policies, but are just separated across multiple policies and not contained within one ‘Quality Design Outcomes’ policy. This gives effect to the separated policy approach of MDRS Policy 3 and 4 (which are primarily quality design outcomes focused). I also note that the HRZ already has ‘fulfils the intent’ wording with regards to referencing the RDG.

#### *Quality Design Outcome Policies*

56 Mr Arbuthnot on behalf of Restaurant Brands Limited provided expert evidence on the policies which reference the Design Guides across the Centres and Mixed Use Zones. I note Mr Arbuthnot generally agrees with the changes made to the Design Guides as a result of the expert conferencing. However, Mr Arbuthnot raises concerns with “Quality Design Outcomes” policy (CCZ-P9, MCZ-P7, LCZ-P7, NCZP7, MUZ-P6, COMZ-P5) in paragraphs 3.4 and 3.5 of Mr Arbuthnot’s expert evidence. It appears Mr Arbuthnot has not seen the changes to CCZ-P9, MCZ-P7, LCZ-P7, NCZP7, MUZ-P6, COMZ-P5 included within Appendix E – Part 2 –

CCZ, COMZ, LCZ, MCZ, MUZ, NCZ, WFZ of the ISPP Wrap up hearing – S42A report (Part 2 – Design Guides).

57 Mr Arbuthnot sought that the RDG and CMUDG should be *“amended such that the Design Guide is a matter to “have regard to” when assessing new development proposals, as opposed to something that is “required” to be “met”.*”

58 I consider that the changes recommended as part of the Wrap-Up ISPP S42A report go some way towards meeting the relief sought by Mr Arbuthnot. I disagree with the use of “have regard to” as I consider this language is not strong enough to give effect to the design guidelines. As such I consider “fulfilling the intent” is more appropriate.

59 With regard to Mr Arbuthnot’s reference to Policy 54 of the Wellington Regional Policy Statement (WRPS) and reference to *“urban design principles as being a matter that shall be given “particular regard”*, I consider that PDP policy wording should not be restricted by this specific wording in the WRPS. I also note that the Greater Wellington Regional Council has reviewed and updated the WRPS with respect to these matters and is currently at the hearings stage.

60 I consider Mr Arbuthnot’s request at paragraph 3.7 of his evidence for the recognition of functional and operational requirements of activities and developments in CCZ-P9, MCZ-P7, LCZ-P7, NCZP7, MUZ-P6, COMZ-P5 is outside the scope of this ISPP Wrap-Up hearing. This was addressed in Hearing Stream 4, including a presentation and evidence by Mr Arbuthnot in this hearing stream. I do not propose any changes to any policies and design guide references as a result of Mr Arbuthnot’s suggestions within his evidence.

### **Operational and Functional Requirements**

- 61 I have read the tabled submitter evidence of Ms Panther Knight<sup>34</sup> on behalf of Woolworths New Zealand Limited. I acknowledge Ms Panther Knight's concerns with regards to operational and functional requirements for supermarkets. However, my position from Hearing Stream 4 and as expressed in my ISPP Wrap-up S42A report (Part 2 - Design Guides) in paragraphs 111-113 has not changed.
- 62 Ms Panther Knight seeks to ensure that the application of Design Guides in consenting assessments have regard to operational and functional requirements. Ms Panther Knight suggests that a comprehensive assessment framework is needed to consider both design aspirations and operational and functional requirements. Ms Panther Knight further states that there should be a threshold or scale of activity or development below which a Design Statement is unnecessary.
- 63 I agree with the quoted text from the Boffa Miskell review report that Ms Panther Knight includes on page 2 of her evidence which notes that the Design Guides *"addresses matters raised in submissions in relation to clarifying how the Guides will be used in resource consent processes, and enabling sufficient flexibility to ensure that the guides can be applied in a manner that recognises specific contexts and the functional or operational needs of specific activities"*.
- 64 Whilst Ms Panther Knight states that explicit text is needed reflecting operational and functional needs in the Design Guides, I disagree. The Design Guides outcomes and guidelines have been purposely designed to apply on a broad scale to a range of activities and environments. The Design Guides in the PDP step away from the area specific and activity specific approach of the ODP Design Guides. By being relatively broad and applicable to various activities there is the ability through the

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<sup>34</sup> Wellington City Council Proposed District Plan Wrap up stream (ISPP Provisions) [submitter tabled statement – Woolworths NZ Limited, Kay Panther Knight, 2023](#)

guidelines and design statements to consider operational and functional needs. I do not consider this needs to be spelled out in the guides.

65 In my view all development should be required to factor the guidelines into their model inclusive of operational and functional uses and requirements. This is assisted through the use of the two tier guidelines, with some directive guidelines and some consider guidelines. This, in my opinion, provides sufficient flexibility for developers to assess their context, use and design to align with the guideline or detail why some guidelines may not be applicable.

66 I also note that the JWS<sup>35</sup> did not raise concerns with the operational and functional needs of activities or developments. Woolworths NZ Limited had the ability to seek leave from the Panel to be part of this expert conferencing on the RDG and CMUDG but did not do so.

67 Additionally, I do not consider there is a need put a threshold in the Design Guides for when a design statement is or is not needed. I consider this would undermine the intent of requiring a design statement, and it is up to the applicant in consultation with Council officers to determine how much detail is required in a design statement, and what matters it needs to address.

#### **Urban Design Panel**

68 Mr Owen in his evidence<sup>36</sup> on behalf of Willis Bond notes that the CCZ-M1 does not offer any assurance that the Urban Design Panel will be used, and considers that it should also be clear that the assessment of the Urban Design Panel is definitive in respect of all design aspects and will not be re-tested by Council. Mr Zamani notes in response that this is an operational matter and that there will be terms of reference for

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<sup>35</sup> Wellington City Council Proposed District Plan, [Appendix D – Part 2 – Joint Witness Statement of Urban Design Experts](#), 2023

<sup>36</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Nick Owen on behalf of Willis Bond, 2023

engaging the Urban Design Panel. I have addressed the urban design panel proposition in my Hearing Stream 4 Right of Reply report<sup>37</sup> in paragraphs 44 – 48.

### **Sites or Areas of Significance to Māori**

69 Mr McIndoe and Mr Burns in their statement of evidence<sup>38</sup> sought to provide further clarity regarding the consideration during expert conferencing of RDG O6 and G12, CMUDG O6 and G14, relating to Sites or Areas of Significance to Māori (SASM) guidelines. I refer the panel to the Boffa Miskell report<sup>39</sup> RDG table which captures expert conferencing, in particular the ‘further analysis’ column which provides useful detail and context on this expert conferencing discussion.

70 As the table notes, for developments adjacent to SASMs there is no trigger in any of the SASM provisions, compared to more restrictive height in relation to boundary rules for development in relation to heritage buildings, heritage areas, or character areas. Hence, as the District Plan does not comprehensively address the issue of development adjacent to SASMs, it would be appropriate to maintain the outcome and guideline in the RDG and CMUDG.

71 I concur with Dr Zamani and note that these outcomes and guidelines should remain as they were formed in partnership with Council’s Mana Whenua partners as well as Māori design experts. I am very pleased that the JWS<sup>40</sup> agreed to retain these provisions.

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<sup>37</sup> Wellington City Council Proposed District Plan Hearing Stream 4, [Right of reply responses of Anna Stevens – City Centre Zone, Te Ngakau, C.O.C & Waterfront Zone](#), 2023

<sup>38</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Graeme McIndoe and Andrew Burns on behalf of McIndoe Urban, 2023

<sup>39</sup> [Proposed Wellington City District Plan Design Guides Review report](#) by Boffa Miskell, 2023

<sup>40</sup> Wellington City Council Proposed District Plan, [Appendix D – Part 2 – Joint Witness Statement of Urban Design Experts](#), 2023



### Application to Retirement Villages

- 72 I have read the evidence of Ms Williams<sup>41</sup> and Ms Skidmore<sup>42</sup> on behalf of the Retirement Villages Association of New Zealand and Ryman Healthcare Limited. I have not changed my position from my ISPP Wrap-up hearing–S42A report<sup>43</sup> (Part 2 – Design Guides).
- 73 I acknowledge that Ms Skidmore has maintained across the course of her evidence on Design Guides and the expert conferencing that the application of Design Guides for retirement villages should be limited to addressing only certain aspects of the guide i.e. the way villages relate to the surrounding public realm and adjacent properties. However, I do not recommend any changes with regard to application of the RDG and CMUDG (and policies) to retirement villages, nor do I recommend that retirement villages be excluded from having to give effect to any guidelines, particular directive guidelines.
- 74 Ms Skidmore seeks that G12 (RDG) and G14 (CMUDG) - responding to adjacent sites or areas of significance to Māori, G33 (RDG) - providing space and fixtures for open-air laundry drying, and G47 (RDG) and G47 (CMUDG) – provision for internal storage, be deleted as they “*go beyond urban design consideration relevant to a resource consent*”. I disagree with these guidelines being deleted for the reasons I’ve provided in paragraphs 69-71 above, because I consider it is important to retain these guidelines to achieve good outcomes, and because this directive

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<sup>41</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Nicola Williams on behalf of Retirement Villages Association and Ryman Healthcare Ltd, 2023

<sup>42</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Rebecca Skidmore on behalf of Retirement Villages Association and Ryman Healthcare Ltd, 2023

<sup>43</sup> Wellington City Council Proposed District Plan [S42A ISPP Wrap-Up Hearing – Part 2 Design Guides report](#), 2023

would be at odds with the recorded JWS<sup>44</sup> outcome. Although G33 and G47 have recorded disagreement between experts on these guidelines, it is not appropriate, in my opinion, to subsequently delete these.

75 I note that in paragraph 19 of Ms Williams’s evidence<sup>45</sup> does not support my recommendation WU-P2-Rec17 in my ISPP Wrap-up hearing S42A report<sup>46</sup> (Part 2 - Design Guides) to amend the retirement village policy (CCZ-PX, MCZ-P11, LCZ-PX, NCZ-P10) within the CMUZ and HRZ to refer to the Design Guides (RDG and CMUDG) as she considers the full suite of guidance in the Design Guides to retirement village developments is not appropriate. I disagree with Ms Williams as I consider retirement villages should be subject to the RDG and CMUDG in full, to be in accordance with the JWS and for consistency of design guide references within policies across applicable zones.

76 For the same reasons, I do not agree with Ms Williams’s suggestion at paragraphs 20 and 21 of her evidence that the application of the Design Guides to retirement villages is more appropriately addressed in the relevant matters of discretion. Mr Patterson, Ms Hayes and I have recommended through Hearing Stream 2 (Residential Zones) and Hearing Stream 4 (Commercial and Mixed Use Zones) that matter of discretion references to the RDG and CMUDG be removed and instead references be placed within the policy framework to align with suggestions from submitters. Ms Williams’s suggestion to add design guide references specific to retirement villages into matters of discretion would not align with this new approach.

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<sup>44</sup> Wellington City Council Proposed District Plan, [Appendix D – Part 2 – Joint Witness Statement of Urban Design Experts](#), 2023

<sup>45</sup> Wellington City Council Proposed District Plan, Submitter evidence N Williams for Ryman Healthcare and Retirement Villages Association, 2023

<sup>46</sup> Wellington City Council Proposed District Plan [S42A ISPP Wrap-Up Hearing – Part 2 Design Guides report](#), 2023

## **City Outcomes Contribution**

### *Encouraging/Promoting City Outcomes Contribution*

77 Mr Heale<sup>47</sup> in his evidence on behalf of Kāinga Ora raised concerns regarding the City Outcomes Contribution (COC). Mr Heale seeks that the COC is a method that sits outside the PDP. I disagree with this suggestion as I consider that COC needs to be a statutory tool utilised within the District Plan to enable public outcomes where greater height and development capacity has been allowed in return.

78 Mr Heale considers that COC should be “*encouraged/promoted*” rather than required. I disagree with this suggestion as I have previously detailed (see paragraphs 119-122 of my Hearing Stream 4 Right of Reply response<sup>48</sup> and paragraph 173 of my supplementary Hearing Stream 4 evidence<sup>49</sup>). I do not see how “*encouraging/promoting the COC provisions ensures that they are workable*” as Mr Heale notes in paragraph 1.3 of his evidence.

79 Mr Heale then discusses the Wellington Regional Policy Statement (WRPS) and how it anticipates design guidance to be a non-regulatory method, noting that policy 53 requires district plans to have particular regard to achieving the region’s urban design principles, which in turn gives effect to Objective 22 (compact, well designed and sustainable regional form). Mr Heale considers that Kainga Ora’s proposed

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<sup>47</sup> Wellington City Council Proposed District Plan Wrap-up hearing stream (ISPP) statement of evidence of Matthew Heale on behalf of Kāinga Ora, 2023

<sup>48</sup> Wellington City Council Proposed District Plan [Hearing Stream 4 Right of Reply Responses of Anna Stevens – City Centre Zone, Te Ngakau, C.O.C & Waterfront Zone](#), 2023

<sup>49</sup> Wellington City Council Proposed District Plan Hearing Stream 4 [Statement of Supplementary Planning Evidence of Anna Stevens on behalf of Wellington City Council](#), 2023

amendments to the policies directing design outcomes give effect to this. He furthers that the amendments sought maximise the opportunities for intensification within existing urban areas. They ‘tip the balance’ in favour of intensification by removing unnecessary design controls and incentives in a manner aligned with the RPS and NPS-UD.

80 I disagree with Mr Heale noting that a focus on maximising the opportunities for intensification, using softer/less directive policy language such as ‘encourage/promote’ is not the most effective or efficient way to give effect to either the RPS directions or the NPS-UD. Requiring COC contribution as I have proposed through my COC provisions is the most direct and effective means to do so. It provides a balance of enabling *‘building heights and density of urban form to realise as much development capacity as possible’* whilst *‘maximising the benefits of intensification’*<sup>50</sup>, two key components of Policy 3(a) of the NPS-UD. It also contributes to a well-functioning urban environment as directed in Policy 1, with a lot of the COC outcomes giving effect to components of Policy 1.

81 I also note that requiring COC is the best way to ensure that Objective 22 of the RPS is achieved in terms of enabling compact, higher urban form, which is well designed and enables a sustainable regional form. Allowing more development capacity through requiring COC outcomes helps to achieve these components of Objective 22. Mr Heale speaks to Kainga Ora’s provisions being able to ‘maximise the opportunities for intensification’ to give effect to the NPS-UD. I note that the policy directs Council’s to *‘maximise the benefits of intensification’*. The COC as I have proposed does just that as opposed to ‘encouraging/promoting’ the benefits.

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<sup>50</sup> [National Policy Statement on Urban Development, 2020](#)

### *Development Contributions Policy*

82 Mr Heale in section 8 of his evidence argues that many of the matters addressed in the COC are more appropriately addressed outside the plan via the Building Act or Development Contribution Policy incentives. I note that the Development Contribution Policy (DCP) does not necessarily address the outcomes that the COC policy and Appendix 16 is seeking. The DCP more commonly relates to hard infrastructure outcomes like three waters infrastructure, not soft infrastructure as sought by the C.O.C such as public spaces, green star rating etc.

### *Certainty*

83 I acknowledge that Mr Heale in paragraph 8.5 acknowledges that some of his concerns about COC have been alleviated, namely:

- The exclusion of the Neighbourhood Centre Zone (NCZ) and High Density Residential Zone (HRZ) from COC requirements due to the comparatively lower scale and characteristics of other centres;
- Appendix 16 has been amended to include further guidance; and
- The mandatory public notification clause was removed in favour of a S95 test.

84 Mr Heale has provided a S32AA assessment comparing my proposed COC mechanism (over-height and under-height development) versus his suggestion of promoting COC and relying on design controls. I disagree with elements of his assessments and conclusions, with some of the key disagreements being:

- His conclusion that his option is an effective method of achieving NPSUD objectives and policies related to COC for all buildings, not just over height or under height buildings. An encourage policy is not the most efficient way to give effect to NPS-UD Policy 1 or 3. I also note Mr Heale’s application of COC to all development is more onerous than to buildings above or below height.
- Mr Heale argues his option of using methods outside of the plan and relying on design/heritage controls is well understood by the community. I would note that the COC’s predecessor ‘Design Excellence’ is an Operative District Plan (ODP) control which is understood by the community.
- Mr Heale argues the COC as proposed is largely a subjective and complex assessment that is uncertain and may lead to public notification. I disagree noting that there is clear updated guidance and a points system in Appendix 16 to guide developers and processing planners. The decision is not subjective; it is informed by a points system, advice in Appendix 16, and advice gained from internal experts such as designers, seismic engineers, sustainability advisors etc.
- Mr Heale argues that the benefits of COC may be moot *“as this may occur anyway due to other design/heritage controls and methods outside the plan”*. However, he does not note what these ‘other methods’ are. The COC does not duplicate other controls (within the Plan or outside the Plan). It would be useful if Mr Heale can show evidence of this.
- Mr Heale notes the *“uncertainty around COC will lead to additional time and cost which may disincentivise intensification”*. I note that with any Restricted Discretionary

Activity resource consent process there can never be full certainty.

- Mr Heale notes both options result in 'neutral' social and cultural effects, I disagree with this as detailed in my respective S32AA assessments in paragraph 549-550 of my Hearing Stream 4 Part 1 – City Centre Zone S42A<sup>51</sup> and paragraph 164-165 of my Hearing Stream 4 rebuttal evidence<sup>52</sup>. Requiring COC will result in many social and cultural benefits through the various outcomes detailed such as increased stock of assisted housing, developments that provide universal accessibility, greater public space provision etc.
- Mr Heale considers that not having to meet COC requirements will allow cost savings which may lead to more affordable housing. There is no certainty in this statement. Not having a requirement to enable assisted or affordable housing does not encourage such outcomes.
- I disagree with Mr Heale's risk assessment of acting/not acting on the two options. His common statement is that the COC is addressed by 'other methods inside and outside the PDP' and there is 'uncertainty' with the current method and that COC is provided through development contributions. I note it is not provided through Development Contributions and seek further understanding of what other methods COC duplicates beyond his reference to the Development Contributions Policy. There

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<sup>51</sup> Wellington City Council Proposed District Plan, Hearing Stream 4 [section 42a report – part 1 – City Centre Zone](#), 2023

<sup>52</sup> Wellington City Council Proposed District Plan, Hearing Stream 4 [Statement of supplementary planning evidence of Anna Stevens on behalf of Wellington City Council](#), 2023

are no urban design or heritage controls that give effect to the full range of outcomes sought by the COC i.e. public open space, greater seismic resilience, carbon reduction, assisted housing, universal accessibility etc.

85 Mr Heale on numerous occasions speaks to the uncertainty and subjectivity of COC It would be useful if he could speak in more detail about what parts he considers subjective to enhance my ability to respond to these elements in turn rather than a broad assumption of subjectivity.

86 I will not respond to Mr Heale's points on Mr Winchester's legal opinion as I have been directed to do this through a separate response. I have provided a response in Appendix 3 of my rebuttal to Mr Heale's outstanding questions in paragraph 8.13 of his evidence.

**Date:** 12 September 2023

**Name:** Anna Mariebel Sutherland Stevens

**Position:** Team Leader, District Planning Team

**Wellington City Council**



## Appendix 1: Tracked Changes to the Residential Design Guide<sup>53</sup>

Rebuttal evidence recommendations are shown in red text (with underline and ~~strike-out~~ as appropriate).

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<sup>53</sup> Tracked changes are proposed to the latest version of the Residential Design Guide which was appended to the Boffa Miskell Review Report (Appendix A of the Wrap-up ISPP Part 2 Design Guides S42A Report).

## Appendix 2: Tracked Changes to the Centres and Mixed Use Design Guide<sup>54</sup>

Rebuttal evidence recommendations are shown in red text (with underline and ~~strike-out~~ as appropriate).

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<sup>54</sup> Tracked changes are proposed to the latest version of the Centres and Mixed Use Design Guide which was appended to the Boffa Miskell Review Report (Appendix A of the Wrap-up ISPP Part 2 Design Guides S42A Report).

### Appendix 3: Response to Mr Heale’s outstanding concerns

Question:	Response
<p>a) <i>“Contribution to Public Space and Amenity” includes matters such as provision of public open space, connections, communal gardens, playgrounds, roof gardens, and public amenities such as public toilets, street furniture, public art etc. Councils’ development contribution policy allows development contributions to be taken for these matters. This is a duplication, and it is unclear whether, if a Development Contribution is taken for these assets to be provided off site, the applicant still be able to get the relevant points.</i></p>	<p>I do not agree that there is duplication between the City Outcomes Contribution mechanism and Development Contributions under the LGA.</p> <p>Development contributions manage increased impacts of development upon a network (such as three water infrastructure upgrades) or set of local authority assets which have already been identified in the most recent Long Term Plan and levied accordingly. At a high level, development contributions therefore manage system wide effects of development.</p> <p>Given the focus of development contributions on identified system impacts on council assets they do not account for more localised environmental effects of development, nor the compensation of the public good for the substantial increases in development capacity.</p>

	<p>This is the intent of the City Outcomes Contribution mechanism.</p> <p>It is best practice that the tools provided by parliament within the LGA and RMA to manage urban development should work in an integrated manner.</p>
<p><i>b) "Sustainability and Resilience" points are allocated depending on which Green Star or HomeStar rating is achieved. As noted in the right-hand column of Table 3 in Appendix 16 this cannot be finally determined until buildings are built. This could be the difference between guaranteed non-notification and potential notification of the application which provides significant uncertainty for the applicant. In addition, the WCC Development Contributions Policy 2022 already provides a Green Building Remission of 50% where the building has received a 5 Star Green Star Certified rating or equivalent. This can be applied for within 12 months of registration with the NZ Green Building Council so is retrospective as opposed to the PDP approach;</i></p>	<p>I disagree with Mr Heale that it is not possible to determine the relative energy efficiency or sustainability of a building until it is built. While he is correct that certification is only granted after a building is constructed, developers know what materials they must use to meet specific energy efficiency and sustainability rating early in the development process. These ratings are commonly advertised in sales advertisements for buildings, even before resource consents and building consents have been granted. This information is also known for the purposes of demonstrating compliance or exceedance with the building code in the building consent process. Dr</p>

	<p>Zamani has confirmed this and notes that this can be conditioned as part of the resource consent decision.</p> <p>Compliance with these COC requirements for energy efficiency and sustainability would be assessed in the same manner as any other plan matter – that being through the resource consent application process, ideally informed by pre-application meetings where compliance is discussed before lodgement.</p> <p>In my view the 50% development contributions remission functions an additional incentive to meet this component of the COC mechanism and provides good alignment between LGA and RMA incentives and regulations.</p>
<p>c) <i>CCZ-S1.1 needs clarity to confirm that these provisions apply to “any new building or addition to and existing building” and (f) needs a height control;</i></p>	<p>I am unsure if Mr Heale has seen my Hearing Stream 4 Right of Reply <a href="#">Appendix A City Centre Zone tracked changes</a> as the standard reflects this wording as it currently reads <i>“The following City Outcomes Contribution Height Thresholds (measured above ground level unless otherwise specified) <u>apply to any</u></i></p>

new building or addition to an existing building:” I have already provided for Mr Heale’s point. Based on my wording I do not consider that any further amendments are necessary.

I thank Mr Heale for identifying the omission of a height threshold for Height Control Area 6 – CBD West. I must have accidentally deleted the field when editing the chapter to become my [Appendix A – Part 1 – City Centre Zone](#) attachment for hearing stream 4. Given I continued to build upon that version of the document for my [post hearing reply version](#) of the same chapter, the error was again replicated.

For the avoidance of doubt – the correct height threshold for this area (*“75-95m (MSL) Mean Sea level as defined by the New Zealand Vertical Datum 2016 (NZVD2016”*) is displayed in the ePlan.

<p>d) <i>It is unclear why “full certainty regarding points allocation cannot be provided until the resource consent application is lodged”, given the intent of the COC is that point allocation should be certain prior to lodgement</i></p>	<p>It is not uncommon for ‘in principle’ or apparent agreement to be reached between processing officers and applicants on components of a resource consent at a pre-application meeting, only for these elements to be vastly redesigned or omitted for formal lodgement. This note therefore reflects that only after a resource consent application is lodged and assessed, compliance with the scoring system of the COC can be determined. This is no different to how the resource consent process functions more generally.</p>
<p>e) <i>The commentary in Table 1 relating to minimum height limit is redundant given that the guidelines have been removed and it is questionable whether this should be 0-24%</i></p>	<p>The commentary relating to minimum height it not redundant as I continue to recommend a minimum building height requirement of 22m (CCZ-S4) .</p> <p>The intent of the requirement for the COC for development 25% or more under minimum height limit is a recognition (in addition to the third assessment criteria for non-compliance with CCZ-S4) that some areas of the CCZ have soil conditions where it is on balance reasonable that the 22m minimum is not met.</p>

	<p>Given this well-established constraint in the CCZ I do not consider it to be reasonable to reduce this threshold to 0%. An alternative would have been to spatially exclude areas of the CCZ with poor soil conditions from the application of CCZ-S4, but I consider it beneficial that developments within those areas still are subject to an assessment as to why lower rise buildings are appropriate.</p>
<p>f) <i>Table 2 height threshold should say 0-49% rather than 25-49% to avoid duplication with rules and commentary should be deleted;</i></p>	<p>I am not sure where the misalignment Mr Heale has identified and would appreciate further advice on this.</p> <p>I note that the COC threshold in Table 2 specific to the LCZ and MCZ is purposefully set at 25% exceedance of the height trigger in recognition that:</p> <ul style="list-style-type: none"> <li>• Minor exceedances, such as one additional floor level beyond the height trigger are unlikely to justify provision of public amenities compared to substantial breaches</li> </ul>



- Parts of buildings (such as lift shafts and utility rooms) trigger the COC when they tip the total height of a building beyond the threshold.
- Better internal amenity could be achieved for occupants by increasing floor to ceiling heights slightly beyond that modelled for the PDP and the COC mechanism so that the overall height of a building is slightly over that of the height threshold.

I do not consider it reasonable to require a COC for these comparatively minor non-compliances.

More background can be found in the [Overview and General Matters for Commercial and Mixed Use Zone s42A report](#) on page 66 I recommended an amendment to apply the C.O.C when CCZ-S1 C.O.C Height Thresholds are triggered.

	<p>I note as set out in Table 1 of Appendix 16<sup>55</sup>, the COC height threshold is different for CCZ, where COC applies for any development that exceeds the height threshold by 0-24% plus, or any development is below the minimum height limit by 25% or more. I note the word ‘by’ has been duplicated in Table 1, which is a very minor error to be fixed.</p> <p>In addition, CCZ-S1<sup>56</sup> provides exclusions to the standards for solar panels and heating components, satellite dishes, antennas, aerials etc. and lift overruns.</p>
<p><i>g) Table 3 lacks clarity or criteria to define quality, extent, and level of amenity that each solution provides for public open space or a laneway;</i></p>	<p>I disagree with Mr Heale that there is a lack of clarity.</p>

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<sup>55</sup> Wellington City Council Proposed District Plan, Hearing Stream 4 Post-Hearing Reply [Appendix A – Amended Recommendations – App 16 City Outcomes Contributions](#), 2023

<sup>56</sup> Wellington City Council Proposed District Plan, Hearing Stream 4 Post-Hearing Reply [Appendix A – Amended Recommendations – City Centre Zone – Anna Stevens](#), 2023

	<p>I have recommended in my <a href="#">right of reply</a> that the COC Appendix 16<sup>57</sup> include advice about this in the ‘how points can be achieved’ section in Table 3.</p> <p>I also note that this is assessed during the resource consent process and applicants can be usefully assisted during the pre-application process.</p>
<p><i>h) It is unclear why a private site would provide public access for communal gardens, playground, and roof gardens and if this is retained then it may be simpler to allocate points on a yes/no basis rather than relating to design outcomes;</i></p>	<p>I note that the provision of public space is not a requirement as part of the COC, but one of 14 outcomes that developers can choose from to demonstrate compliance with the mechanism.</p> <p>It is up to a given applicant to choose whether they wish to comply with the mechanism using this outcome or not.</p>

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<sup>57</sup> Wellington City Council Proposed District Plan, Hearing Stream 4 Post-Hearing Reply [Appendix A – Amended Recommendations – App 16 City Outcomes Contributions](#), 2023

	<p>I contend that it is still important that public space provided as part of the mechanism is assessed and well designed. It would be inconsistent with the intent of the policy if resultant spaces were to be inaccessible, poorly lit, unsafe, sparse or poorly shaped.</p>
<p><i>i) It is unclear how to achieve points relating to permanent public amenities;</i></p>	<p>This matter is addressed in Appendix 16<sup>58</sup> of the ROR.</p>
<p><i>j) Restoration of heritage is difficult to determine and if this is done it should be of an acceptable quality anyway. Again, this should be a yes/no matter; and</i></p>	<p>I note that this is one of fourteen outcomes that an applicant can choose to meet and is not required.</p> <p>In saying this, I consider that the outcome will only serve to support the strategic direction of the plan to retain historic heritage given that if a developer seeks to retain a heritage building as part of their proposal they are able to achieve up to 10 points.</p> <p>Whether a development achieves restoration of heritage or not will be informed by the provision of</p>

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<sup>58</sup> Wellington City Council Proposed District Plan, Hearing Stream 4 Post-Hearing Reply [Appendix A – Amended Recommendations – App 16 City Outcomes Contributions](#), 2023

	heritage expertise, as is the case in any resource consent affecting a heritage building.
<i>k) Carbon and Seismic are difficult to determine and would need detailed design for comparative purposes.</i>	I note again that applicants are not compelled to achieve these two outcomes and could undertake other outcomes instead.

## **Appendix 4: Appendix 16 Minor Correction**

This rebuttal evidence has recommended that one minor typo error in Appendix 16 be corrected as shown in ~~green strike-out~~ text.