

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

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Wellington City District Plan

**ISPP wrap up hearing reporting officer Right of Reply
Anna Stevens on behalf of Wellington City Council**

Date: 13 October 2023

INTRODUCTION:

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

2 I have prepared this reply in respect of the matters raised during the ISPP wrap-up hearing.

3 I have listened to submitters, read their evidence and tabled statements.

4 My [Section 42A Report](#) sets out my qualifications and experience as an expert in planning.

5 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.

6 Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

SCOPE OF REPLY

7 This reply follows the ISPP Wrap-up hearing held from 19 September 2023 to 21 September 2023.

8 [Minute 36](#) requested that the Section 42A Report authors submit a written reply as a formal response to matters raised during the hearing. The Minute requires this response by 13 October 2023.

9 This reply includes feedback on specific questions from the IHP and commentary on additional matters I consider it useful to clarify.

Questions raised by the Independent Hearings Panel

ii. In relation to the Residential and Commercial and Mixed Use Design Guides (RDG, CMUDG), should the term “where practicable” be applied to the Guidance Point to “locate and design living areas within residential units to receive winter sunlight (G42 in the RDG and G44 in the CMUDG)? Should there be a difference in approach between design guidance on winter sunlight for residential developments in the Residential Zones with that in the CMUZ?

10 Having heard the discussion at the hearing I consider an amendment to add “where practicable” at the beginning of G42 of the Residential Design Guide (RDG) and G44 of the Centres and Mixed Use Design Guide (CMUDG) is appropriate.

11 I consider this change to be appropriate for the following reasons:

11.1 During the ISPP Wrap-up hearing the IHP put this potential amendment suggestion to the urban design experts involved in the design guides expert witness conferencing¹. The experts generally indicated a level of comfort with this change being made, noting the constraints and that living areas within residential units could not always be designed to receive winter sunlight.

11.2 The wording “where practicable” at the beginning of the guidance points recognises that there will be a variety of constraints within the existing environment. Many of these will be beyond the control of developers, and which may limit the availability of sunlight on to the development site. These include considerations such as:

- Orientation of the site;

¹ Wellington City Proposed District Plan, Section 42A Report – Part 2 – ISPP Wrap-up hearing – Design Guides, Appendix D – Part 2 – [Joint Witness Statement of Urban Design Experts](#), 2023

- Site topography;
- Topography of the surrounding environment;
- Surrounding built development; and
- Surrounding established vegetation.

11.3 Inserting “where practicable” enables these constraints to be taken into account, while still maintaining the intent of the guidance point. This was considered as part of the Boffa Miskell design guide review and was presented to the urban design experts as an option for consideration. This is detailed in page 197 (bottom row) of Appendix 9 - Residential Design Guide review table of the Boffa Miskell Report² appended to my Section 42A Report - ISPP Wrap-up Hearing³. While using different wording, the draft guidance point that was presented to the experts for conferencing was as follows:

‘Locate and design living areas within residential units to optimise exposure to available winter sunlight’.

11.4 As was pointed out during the hearing, the next guidelines to G42 (RDG) and G44 (CMUDG), which relate to avoiding single-aspect south-facing residential units - G43 (RDG) and G45 (CMDUG), start with “where practicable” terminology.

12 I have made this amendment to the RDG and CMUDG in Appendix A. In terms of whether there should be a difference in approach between Residential Zones with that in the Commercial and Mixed Use Zones (CMUZ), I do not consider that they should differ. In my view my recommendation to add “where practicable” to both RDG and CMUDG guidance points means that it is unnecessary to adopt a different

² Wellington City Proposed District Plan, Section 42A Report – Part 2 – ISPP Wrap-up hearing – Design Guides, [Appendix A – Part 2 – Design Guides Review, Boffa Miskell – Proposed Wellington City District Plan Design Guides Review](#), 18 August 2023

³ Wellington City Proposed District Plan, [Section 42A Report – Part 2 – ISPP Wrap-up hearing – Design Guides](#), 2023

approach between the guides. In my opinion, if the concern is that in the CMUZ that sunlight may be generally less available because of existing or enabled levels of building development within centres, then I consider that “where practicable” provides for this to be taken into account.

iii. In response to a point asserted by Mr Marriage, are the CMUDG appropriate for residential developments in inner city streets, particularly those in the narrower streets such as in Te Aro, particularly in relation to access to sunlight/daylight?

13 CMUDG G44 and G45 speak to locating and designing living areas within residential units to receive winter sunlight, and where practicable avoid single-aspect south-facing residential units for development within all Centres.

14 CMUDG G23, G25 and G26 seek that where developments provide communal or private outdoor space that it be located and orientated to benefit from available sunlight.

15 There is, however, no specific design guidance for narrower streets such as in Te Aro, in relation to access to sunlight/daylight.

16 As I noted in paragraph 68 of my Hearing Stream 4 Right of Reply⁴ I understand and am sympathetic to Mr Marriage’s concerns raised in his submissions regarding access to sunlight and daylight to the residents of Te Aro, particularly those on narrow streets, of which there are many. I also acknowledged in that report that there is a marked height increase from the ODP 27m maximum height limit to the notified PDP maximum height limit of 42m (a difference of approximately four storeys).

⁴ 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

- 17 I also note that on page 102 of my Hearing Stream 4 Section 42A – Part 1 – City Centre Zone report⁵ I recommended that CCZ-S1 (Maximum height) be amended to enable unlimited building heights within the zone, replacing the maximum heights with City Outcomes Contribution (COC) Height Threshold (HS4-P1-CCZ-Rec94).
- 18 Paragraphs 68-78 of my Hearing Stream 4 Right of Reply⁶ address the Street Edge Height control included within the Draft District Plan CCZ chapter and reasons why it was not carried forward into the Proposed District Plan (PDP). While I acknowledge that there is a gap in CMUDG guidelines specifically addressing tall buildings on narrow streets, I do not consider it is appropriate to include new guidance for the following reasons:
- 18.1* In my view, this issue is more effectively managed through standards because the effects that are being managed (sunlight access within the street environment) are related to building bulk and can be objectively measured. As such, they are better placed within the CCZ provisions than design guidelines.
- 18.2* There is a risk with adding design guidance within the CMUDG to address this concern in that doing so would effectively insert a building bulk standard within the design guide.
- 18.3* The design guide review specifically sought to avoid doing this, to ensure that the Design Guides did not create uncertainty for Plan users about the level of development that was being enabled by the Plan.

⁵ Wellington City Proposed District Plan, [Hearing Stream 4 Section 42A Part 1 – City Centre Zone report](#), 2023

- 19 Irrespective of this concern in 15.1 above, I consider that any such guidance seeking to address this issue would need to be done in collective agreement with the urban design experts who signed the Joint Witness Statement⁷ and undertook expert conferencing on the CMUDG.
- 20 My position on the street edge height control has not changed from my Hearing Stream 4 Right of Reply⁸, that no specific standards or design guidance is included in the plan on this matter.
- 21 I note however that in my Hearing Stream 4 Further Right of Reply⁹ (paragraphs 34-36 I recommend that the assessment criteria of the effects of building height in the CCZ from the notified PDP CCZ-S1 be reintroduced.
- 22 This will allow the consideration of these assessment criteria where the applicable height standards (COC height thresholds in CCZ-S1 a-j) are exceeded.
- 23 These assessment criteria will guide resource consent planners to consider the effects of development on:
- Streetscape and visual amenity;
 - Dominance and privacy effects on adjoining sites; and
 - The extent to which taller buildings would substantially contribute to increasing residential accommodation in the city.

⁷ Wellington City Proposed District Plan, Section 42A Report – Part 2 – ISPP Wrap-up hearing – Design Guides, Appendix D – Part 2 – [Joint Witness Statement of Urban Design Experts](#), 2023

⁸ 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

- 24 My position is that these effects can be considered irrespective of compliance with height thresholds, and accordingly shading on narrow streets can be assessed by my recommended provisions. This may go some way to addressing the substance of Mr Marriage's concerns that there will be little assessment of the shading effects of increased building heights in the CCZ on narrow streets.
- 25 CCZ-R19.2 and CCZ-R20.2's matters of discretion include CCZ-P9 (Quality design outcomes) which require new development, and alterations and additions to existing development, at a site scale to positively contribute to the sense of place and distinctive form, quality and amenity of the CCZ, including by ensuring development responds to the pedestrian scale of narrower streets, as well as enhances the quality of the streetscape (CCZ-P9.2 (b &e)).

iv. Whether there is policy guidance of support for the position on Sites and Areas of Significance to Māori in the Design Guides?

- 26 G12 in the RDG and G14 in the CMUDG seek that *'Adjacent to sites or areas of significance to Māori identified in the District Plan, consider opportunities for the installation of place-based site interpretation that recognises the histories of Wellington's tangata whenua.'*
- 27 I note that there is policy guidance of support for the position of G14 in the CMUDG through the CMUZ Quality Design Outcomes policies (CCZ-P9, MCZ-P7, LCZ-P7, NCZ-P7). These policies seek to ensure, where relevant, new development and additions and alterations to existing buildings, respond to the site context, particularly where it is located adjacent to a scheduled site of significance to Māori, as well as other matters. As such, this is a clear policy hook to CMUDG G14's focus on adjacent sites.
- 28 With regards to the RDG G12, I note that there is no policy guidance support in either the Medium or High Density Residential zone in relation to this matter as there is no specific reference to sites or areas of

significance to Māori in the Medium Density Residential Zone (MRZ) or High Density Residential Zone (HRZ).

29 I note that if a resource consent is required for a Discretionary or Non-Complying Activity then consideration of the strategic objectives is required, for example HHSASM-O4 below.

HHSASM-O4	Sites of significance to Māori are identified and mana whenua's relationships, interests and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance are recognised and provided for.
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v. Whether there are any further recommendations in relation to the Design Guides in response to evidence provided to the Wrap-up Hearing?

Quality Design Outcomes - CMUZ Policies (CCZ-P9, MCZ-P7, LCZ-P7, NCZ-P7, COMZ-P5)

30 During the course of the hearing the IHP asked me to consider whether the use of the word 'design' in the Quality Design Outcomes CMUZ policies (CCZ-P9, MCZ-P7, LCZ-P7, NCZ-P7, COMZ-P5) was the most appropriate terminology to use. The panel asked me this for two reasons:

30.1 The policies cover a broader array of matters rather than those addressed in the Centres and Mixed Use Design Guide (CMUDG). Examples of other matters include (but are not limited to):

- Recognising the benefits of well-designed, comprehensive development, i.e. reflecting the nature and scale of development enabled and optimising development capacity; and
- Ensuring development, where relevant, responds to the site context (i.e. character precincts, heritage buildings etc.); and

- Ensuring development, where relevant, provides a safe and comfortable pedestrian environment; and
- Ensuring development, where relevant, integrates with existing and planned active and public transport movement networks.

30.2 The Design Guides, contain ‘Design Outcomes’, which the guidance points give effect to/support.

30.2.1 The panel was concerned this could potentially lead to some confusion or consideration of double handling for plan readers when CMUZ policies are also titled ‘Quality Design Outcomes’.

31 Upon further reflection, I consider that a it is beneficial to amend the Quality Design Outcomes CMUZ policies (*CCZ-P9, MCZ-P7, LCZ-P7, NCZ-P7, COMZ-P5*) from having the heading “Quality Design Outcomes” to “Quality Development Outcomes” for the following reasons:

31.1 This change better differentiates the broader range of **development outcomes** addressed in the policies from those **specifically relating to design** in the Design Guide Outcomes, These changes are reflected in Appendix A (Final Consolidated Officer Recommendations version).

31.2 There is submission scope under Kāinga Ora’s submission [391.715] which sought that CCZ-P9 be amended by striking out ‘quality design’ and replacing this with ‘City Centre Outcomes’. Waka Kotahi NZ supported Kāinga Ora’s submission. While I do not support the replacement suggested by Kāinga Ora I support removing reference to ‘design’. I note that Kāinga Ora sought a similar outcome for the same policies in other Centres Zones through submitting on the equivalent policies.

31.3 Willis Bond [416.157, 416.121] sought that if the Design Guides are retained that CCZ-P9 and MCZ-P7 (Quality design outcomes) be reviewed for overlap with the Design Guides. I consider this provides scope for deleting ‘design’ to avoid overlap with CMUDG’s ‘design outcomes’.

Medium Density Residential Zone (MRZ) and High Density Residential Zone (HRZ) design guide hooks

32 During the ISPP Wrap-up hearing clarity was sought by the IHP which rules require assessment against the Residential Zones’ (MRZ and HRZ) hooks to the RDG. The IHP questioned whether there may potentially be an incorrect reference.

33 I have set out in Table 1 below the associated rule and policy hooks for assessment against the RDG. A more comprehensive table of all notified PDP rules and policies that trigger the design guides can be found in Boffa Miskell’s Design Guide Review Report in Appendix 6¹⁰. Having reviewed these chapters I do not consider there to be any incorrect references.

34 Policies (HRZ-P6 Multi-unit housing) and (HRZ-P7 Retirement villages) include requirements to undertake an assessment against the RDG.

Chapter	Rule	Activity	Activity status	Relevant matter of discretion (that triggers the RDG)	Policies that direct the application of the RDG
Medium Density Residential Zone –	MRZPREC 03- R4.1	Construction, alteration or addition to buildings , structures or accessory buildings in the Oriental	Restricted Discretionary	2. The Residential Design Guide.	No policy direction.

¹⁰ Wellington City Proposed District Plan, Section 42A Report – Part 2 – ISPP Wrap-up hearing – Design Guides, [Appendix A – Part 2 – Design Guides Review, Boffa Miskell – Proposed Wellington City District Plan Design Guides Review](#), Appendix 6, 18 August 2023

Chapter	Rule	Activity	Activity status	Relevant matter of discretion (that triggers the RDG)	Policies that direct the application of the RDG
Oriental Bay Height Precinct (MRZ-PREC03)		Bay Height Precinct that are not permitted activities, subject to compliance with standards			
High Density Residential Zone	HRZ-R2.2	Residential activities, excluding retirement villages, supported residential care activities and boarding houses, where more than three residential units occupy the site.	Restricted discretionary	1. The matters in HRZ-P2, HRZ-P3, HRZ-P5 and <u>HRZ-P6</u> .	HRZ-P6 Multi-unit housing Provide for multi-unit housing where it can be demonstrated that the development: <u>1. Fulfils the intent of the Residential Design Guide;...</u>
High Density Residential Zone	HRZ-R8.1	Retirement villages.	Restricted discretionary	1. The matters in HRZ-P2, HRZ-P3 and <u>HRZ-P7</u> .	HRZ-P7 Retirement villages Provide for retirement villages where it can be demonstrated that the development: <u>1. Fulfils the intent of the Residential Design Guide;...</u>
High Density Residential Zone	HRZ-R14.1	Construction of buildings and structures for multi-unit housing or a retirement village.	Restricted discretionary	2. The matters in HRZ-P2, HRZ-P3, HRZ-P5, <u>HRZ-P6</u> , <u>HRZ-P7</u> , HRZ-P8, HRZ-P10 and HRZ-P11.	HRZ-P6 Multi-unit housing Provide for multi-unit housing where it can be demonstrated that the development: <u>1. Fulfils the intent of the Residential Design Guide;...</u> HRZ-P7 Retirement villages Provide for retirement villages where it can be demonstrated that the development: <u>1. Fulfils the intent of the Residential Design Guide;...</u>
High Density Residential Zone	HRZ-R17.2	Construction of any other building or structure, including additions and alterations, that do not comply with specified standards.	Restricted discretionary	3. The matters in <u>HRZ-P6</u> , <u>HRZ-P7</u> and HRZ-P8 for additions and alterations to multi-unit-housing or a retirement village .	HRZ-P6 Multi-unit housing Provide for multi-unit housing where it can be demonstrated that the development: <u>1. Fulfils the intent of the Residential Design Guide;...</u> HRZ-P7 Retirement villages Provide for retirement villages where it can be demonstrated that the development: <u>1. Fulfils the intent of the Residential Design Guide;...</u>

35 In the notified PDP, HRZ-P13 (City Outcomes Contribution) provides a hook for the RDG. However, as per my Hearing Stream 4 Right of Reply, I have recommended that the City Outcomes Contribution no longer apply to HRZ¹¹.

36 As per Table 1 above, the Oriental Bay Height Precinct rule MRZ-PREC03-R4.1 hooks into the RDG via a matter of discretion. This has not been altered to a policy hook (like the approach to the CMUZ zones) because there is no associated MRZ-PREC03 policy.

Centres Zone design guide hooks – consistency

37 Commissioner Daysh noted a discrepancy in the CMUZ policy references to the CMUDG between ‘fulfil’ and ‘fulfilling’ the intent of the design guide. I note that this use of wording is intentional due to the associated wording of the chapeau for the policy differentiating slightly.

38 All quality design outcome policies (now amended to be Quality development outcome policies) CCZ-P9, MCZ-P7, LCZ-P7, NCZ-P7 apart from COMZ-P5 refer to ‘fulfilling the intent of the CMUDG’. COMZ-P5 refers to ‘Fulfil the intent of the CMUDG’ due to a differently worded chapeau.

39 On-site residential amenity policies (CCZ-P10, MCZ-P8, LCZ-P8, NCZ-P8, COMZ-P8) refer to ‘fulfilling the intent of the CMUDG’, whereas retirement villages policies (CCZ-PX (CCZ-P13), MCZ-P11, LCZ-P11, NCZ-P10) refer to ‘fulfils the intent of the CMUDG’ again for chapeau reasons. I am comfortable with this difference in language and do not consider it consequential. I note though that if the Panel considers it desirable it could redraft the policies to make them consistent.

¹¹ 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

- 40 As pointed out by the IHP during the ISPP Wrap-up hearing there is a technical error in CCZ-PX (Retirement villages), which has been renumbered CCZ-P13, in that the wording hook for the CMUDG does not align with that of the equivalent MCZ-P11, LCZ-P11 and NCZ-P10 retirement villages policy. CCZ-PX currently refers to ‘Meets the requirements of the Centres and Mixed Use Design Guide’.
- 41 MCZ-P11, LCZ-P11 and NCZ-P10 were amended in Hearing Stream 4 to change the policy wording from ‘Meets the requirements Centres and Mixed Use Design Guide, as relevant’ to ‘Fulfil the intent of the Centres and Mixed Use Design Guide’. I have amended CCZ-PX (CCZ-P13) to align with changes in other Centres as shown in Appendix A.

Changes needed to the Waterfront Zone Policies and Rules to amend references from the Design Guide Introduction Document to the CMUDG

- 42 In paragraph 37 of my ISPP Wrap-up Hearing Section 42A Report¹² I noted that the urban design experts’ Joint Witness Statement¹³ recorded that in splitting the application of the RDG and CMUDG, the CMUDG would apply in all of the Commercial and Mixed Use Zones, Development Areas, and Special Purpose Zones: Hospital Zone, Tertiary Education Zone and Waterfront Zone.
- 43 In the notified PDP the Waterfront Zone chapter (WFZ) across various rules directs that the “assessment of the activity must have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022]” for Discretionary Activities and Non-Complying Activities, and is a matter of discretion for Restricted Discretionary Activities.

¹² Wellington City Proposed District Plan, [Section 42A Report – Part 2 – ISPP Wrap-up hearing – Design Guides](#), 2023

¹³ Wellington City Proposed District Plan, Section 42A Report – Part 2 – ISPP Wrap-up hearing – Design Guides, Appendix D – Part 2 – [Joint Witness Statement of Urban Design Experts](#), 2023

44 The Waterfront Zone did not use the notified Centres & Mixed Use Design Guide because many of its guidelines were not relevant or appropriate for the buildings and other developments on the Wellington Waterfront. The Council owns most of the Waterfront Zone land, so through this separate landowner approval process the design of new buildings and public spaces in the Zone also has regard to design principles and guidance in the Wellington Waterfront Framework¹⁴.

45 In my ISPP Wrap-up Hearing Rebuttal Evidence¹⁵ from paragraphs 12-27 I discussed the Design Guide Introduction Document. I noted that there were three options for addressing the Design Guide Introduction Document, in light of expert evidence seeking it be removed from the plan, being:

45.1 Retaining the Design Guides Introduction Document with the recommended Boffa Miskell Report Appendix 5 amendments¹⁶; or

45.2 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

45.3 Deleting the Design Guide Introduction Document in its entirety.

46 I considered that the last two options were worthy of further consideration, determining that at minimum it needed to be removed from the District Plan and be a non-statutory document. The Design Guide Introduction Document was discussed during the ISPP Wrap-up

¹⁴ [The Wellington Waterfront Framework](#), April 2001.

¹⁵ Wellington City Proposed District Plan, Wrap-up (ISPP) Hearing, [Statement of supplementary planning evidence of Anna Stevens on behalf of Wellington City Council](#), 2023

¹⁶ Wellington City Proposed District Plan, Section 42A Report – Part 2 – ISPP Wrap-up hearing – Design Guides, [Appendix A – Part 2 – Design Guides Review, Boffa Miskell – Proposed Wellington City District Plan Design Guides Review](#), Appendix 5, 18 August 2023

hearing, at which I recommended that the second option of making the Document a non-statutory document that sits outside the District Plan was my preference. This recommendation was supported by Dr Zamani. I also note that this appeared to generally be an acceptable solution by urban design experts presenting at the hearing.

47 Noting my recommendation above, I advised that consequential changes were needed to the WFZ chapter to delete references to the “Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022]”, and to replace these with references to the new CMUDG. The applicability of the CMUDG to the WFZ and the appropriateness of this was discussed during the hearing, and was raised with some submitters.

48 I advised the IHP that I felt that the revised CMUDG was largely appropriate for application to the WFZ, with most of its guidelines being relevant to the WFZ. The revised design guide makes clear that not all guidelines may be relevant to a development. The CMUDG now has flexibility within the use of a design statement to detail why certain guidelines may not be relevant or where alternative approaches may be more appropriate for the zone.

49 While there are some common provisions between the WFZ and CMUZ, particularly the CCZ, such as the minimum sunlight control, outlook space, minimum residential unit size etc, the WFZ is a unique environment and differentiated from other zones due to its vast extent of public space, as well as tighter building controls, use of discretionary and non-complying activity statuses and public notification. I advised the IHP that I felt that the nuances between the WFZ and CMUZ were reflected in the specific policy framework for the WFZ and that this provided clear direction on public space, design outcomes, bulk and form outcomes etc.

50 As such I am recommending the following amendments to the WFZ as reflected in Appendix A:

- 50.1 That the Design Guide Introduction Document be removed from the District Plan and be placed on the Council's website as a supporting non-statutory context document;
- 50.2 That all references to the Design Guide Introduction Document be deleted from the WFZ (WFZ-R13.2, WFZ-R14.2, WFZ-R14.4, WFZ-R14.5, WFZ-R14.6, WFZ-R15.2, WFZ-R15.3, WFZ-R15.6, WFZ-R16.1, WFZ-R17.1);
- 50.3 That for WFZ-R17.1 (Conversion of buildings or parts of buildings to residential activities) the reference to the RDG is replaced with reference to the CMUDG¹⁷;
- 50.4 That a new clause (clause 9) is added to WFZ-P6 (Development of buildings) as follows 'Fulfilling the intent of the Centres and Mixed Use Design Guide'. This ensures consideration of the CMUDG within the WFZ rule framework, particularly where the reference to the Design Guide Introduction has been deleted;
- 50.5 That a new matter of discretion (matter 7) be added to WFZ-R14.5 (Alterations or additions to buildings and structures that do not increase the building footprint by >5% and do not increase building height) to ensure consideration of the CMUDG, particularly given the Design Guide Introduction has been deleted; and

RDG Guideline G18

- 51 In the hearing Mr Lewandowski and Mr Stewart discussed on behalf Stratum Management Ltd a suggested change to RDG G18 to add

¹⁷ Noting that the CMUDG now includes guidance points relevant to residential activities as a result of expert conferencing on the CMUDG and RDG, and agreed outcomes of the Joint Witness Statement.

“where practicable” at the beginning. My recommendation has not changed from that included within paragraph 41 of my rebuttal evidence for the ISPP Wrap-up hearing¹⁸ in that I consider that this change would not be appropriate.

52 The key reason for this being that the urban design experts involved in expert conferencing specifically sought the term “where practicable” be removed from this guidance point through expert conferencing (refer to G29 on page 11 of Appendix 3 of the [Joint Witness Statement](#)).

53 I also consider that, unlike access to sunlight (which may be dependent on external factors outside of the control of the developer) discussed above, whether or not on-site parking can be designed to so that it is not visually dominant at the street edge is a matter that would be within the control of the developer and the design decisions that they make in relation to how they provide for on-site parking.

Section 32AA assessments provided by the Retirement Villages Association of New Zealand, Ryman Healthcare Limited and Restaurant Brands Limited

54 I have read the section 32AA evaluation supplementary evidence of Restaurant Brands Ltd (provided by Mr Arbuthnot) and Ryman Healthcare and Retirement Villages Association (provided by Ms Williams). My position and recommendations with respect to the matters raised in this supplementary evidence have not changed.

Restaurant Brands Limited

55 Mr Arbuthnot considers that in paragraph 2.8 of his S32AA evaluation that *“the requirement to “meet” or “fulfil the intent” of the Centres and Mixed Use Design Guidelines is more directive than the other policy*

¹⁸ Wellington City Proposed District Plan, Wrap-up (ISPP) Hearing, [Statement of supplementary planning evidence of Anna Stevens on behalf of Wellington City Council](#), 2023

requirements (for example, “recognise”, “respond to”) and creates a hierarchy that does not align with the NPS-UD definition of a “well-functioning urban environment””. Mr Arbuthnot also notes that he considers the term “fulfil the intent” is too ambiguous and does not have a clear meaning.

56 I disagree with Mr Arbuthnot’s conclusions who did not seek leave from the Panel to partake in the design guide Joint Witness Statement process.

57 As was discussed in the hearing, the policy wording “fulfilling the intent” has been agreed between the parties to the design guides joint witness statement. In doing so it can be assumed that they are also comfortable that this statement reflects the relationship of the design guides as being subordinate or directed by the policy framework of the plan. I share this view.

58 Mr Arbuthnot again raises, as was the case in Hearing Stream 4, that there is no explicit recognition of the functional and operational requirements of activities and development within the policies (CCZ-P9, MCZ-P7, LCZ-P7, NCZ-P7, COMZ-P5, and MUZ-6).

59 As I note in paragraph 60 of my ISPP Wrap-up hearing statement of supplementary planning evidence¹⁹, Mr Arbuthnot’s commentary seeking the recognition of functional and operational requirements of activities and developments has already been covered extensively in Hearing Stream 4 and is not within the scope of the expert conferencing addressed by the Joint Witness Statement²⁰.

¹⁹ Wellington City Proposed District Plan, [ISPP Wrap-up Hearing, Statement of supplementary planning evidence of Anna Stevens on behalf of Wellington City Council](#), 2023

²⁰ Wellington City Proposed District Plan, Section 42A Report – Part 2 – ISPP Wrap-up hearing – Design Guides, Appendix D – Part 2 – [Joint Witness Statement of Urban Design Experts](#), 2023

60 I do not propose any changes to any policies and design guide references as a result of Mr Arbuthnot's suggestions within his evidence on operational and functional needs.

61 I note that Mr Arbuthnot's costs and benefits S32AA evaluation table does not separate out his evaluation for the two different changes being sought, rather it conflates the policy amendment related to the CMUDG hook with the amendment relating to operational and functional needs.

62 In my view the assessment does not sufficiently address the costs and benefits of each suggested policy change. For example, the environmental benefit listed only relates to operational and functional needs, and not design guides.

63 Having reviewed Mr Arbuthnot's costs and benefits option table, I consider his suggested change to the policies to amend wording agreed by parties of the JWS to '*Having regard to the requirements of the Centres and Mixed Use Design Guide as relevant*' is not the most effective and efficient wording under S32 for the following reasons:

63.1 It is more vague and ambiguous as there is no direction to plan users and those undertaking an assessment against the design guides how to, 'have regard to' the guidance points through a proposed development. In comparison to the agreed JWS position, there is a clear relationship to the intent statements in each Design Guide.

63.2 Mr Arbuthnot's suggested use of the word 'requirements' is considerably more onerous than 'fulfilling the intent' and does not align with the revised approach of the Design Guides (and policy revisions) which acknowledges that some guidance points may not be applicable to certain sites or development, or that constraints may exist. In this way it is even more restrictive than the JWS versions of the guides.

63.3 There is no evidence why wider range of development types will be enabled beyond those under the ‘fulfil the intent’ policy wording. Operational and functional needs can already be considered in the realm through the amended guides.

64 Considering the above, Mr Arbuthnot’s “have regard to” approach will be less effective at giving effect to the NPS-UD’s well-functioning urban environments than the version recommended by the JWS parties, which I support.

Ryman Healthcare Limited and Retirement Villages Association

65 Ms Williams considers that her recommended policy approach will “provide clearer direction on the full suite of relevant urban design matters for retirement villages.”

66 This is not a view that I share, nor the experts involved in the Design Guides JWS. The JWS parties did not reach agreement to reduce the number of guidance points applicable to retirement villages, nor exempt retirement villages from the Design Guides all together.

67 The Design Guide Review Memorandum prepared by Boffa Miskell (Appendix 4 of the Joint Witness Statement²¹) notes that the Design Guides should be sufficiently flexible so they can be applied as required by the specific context, to a wide range of sites, activities and building/development types. Further, it notes that application of the Design Guides in practice will be contextual, meaning that there will be circumstances where some guidance points will not be relevant to a given proposal.

²¹ Wellington City Proposed District Plan, Section 42A Report – Part 2 – ISPP Wrap-up hearing – Design Guides, Appendix D – Part 2 – [Joint Witness Statement of Urban Design Experts](#), 2023

68 Considering the above, the design guide memorandum made the following recommendation:

“It would be inefficient to provide separate design guides for different activities (such as retirement villages). Further, exempting certain activities (such as retirement villages) from being considered under the Design Guides would be inappropriate, as there are a range of outcomes and guidance points within the Design Guides that are relevant to all activities.”

69 In my view there is a greater risk of increased adverse effects costs by not assessing retirement villages against the design guides to ensure good design considerations have been properly incorporated into proposed developments.

70 I consider Ms Williams’s policies and rules are not the most effective and efficient under S32 for the following reasons:

70.1 Ms Williams states that a “design guide is a means to achieve the MDRS policy”.

70.1.1 Ms William’s statement is incorrect, the Design Guides only apply to four or more units and are of no relevance to the MDRS.

70.2 Ms William’s arguments for efficiency and effectiveness relate to the Retirement Village Association (RVA) and Ryman Healthcare’s (Ryman) desire for the Design Guides to not apply to retirement villages and that her client has sought a consistent approach to the regulation of retirement villages across district plans.

70.2.1 While I agree consistency between different district plans can be efficient, this should not be at

the expense of a considered regulatory framework for which there is agreement between experts, is necessary.

70.2.2 Ms Williams assessment is focused on efficiency and effectiveness as it relates solely to her clients not to the broader environment and plan users as required by S32AA.

70.3 I disagree with Ms Williams that her recommended policy change will *“encourage high quality design outcomes for retirement villages”* considering that this approach sets up a subjective assessment of high quality outcomes without assessment against robust Design Guidelines informed by several design experts.

70.4 I do not agree with Ms Williams that excluding retirement villages from assessment against the design guides will *“ensure the adverse effects of retirement villages will be managed in line with the direction of the NPSUD and Enabling Housing Act, and therefore, do not result in inappropriate or unanticipated environmental costs.”*

70.4.1 Nothing in the NPS-UD requires plan makers to avoid costs in their entirety and I do not consider assessment against the design guide to be inappropriate in the pursuit of well-functioning urban environment.

70.4.2 I do not consider that an urban design assessment would impact the feasibility of a retirement village development such that it would not proceed.

70.5 I note that Ms Williams identifies that *“may be a perceived risk that internal environments of retirement villages may be*

inappropriate for residents if the relevant parts of the design guides are excluded.” Ms Williams speaks to internal amenity being addressed by standards.

70.6 I agree with Ms Williams that there is a risk of internal environments being potentially inappropriate for residents, and contend that this risk is greater than Ms Williams states. The Design Guides address design and amenity considerations beyond those covered by standards, i.e. designing living rooms to receive winter sunlight, providing internal storage etc. These are also important for high quality internal environments within retirement villages.

70.1 Ms Williams considers that the risk of not acting is that:

70.1.1 Retirement villages are assessed against Design Guide guidance that is not relevant and/or does not consider their unique functional and operational needs.

(a) I have previously noted operational and functional needs can already be considered in the realm through the amended guides, and that irrelevant design guides do not need to be applied.

70.1.2 Intensification will occur without providing for the variety of homes required to meet the needs of the ageing population.

(a) I disagree with Ms Skidmore, and consider that by not assessing retirement villages, there will be any impact on the provision of homes required to meet the needs of an ageing

population. In my view this position dramatically overstates the impact that assessment against the design guides would have on the feasibility of retirement village development.

71 For the reasons detailed above, I maintain my view that my position is the most efficient and effective under S32.

Response to Matters Raised During the Hearing

Other Matters

Minor correction to G12 (RDG) and G14 (CMUDG) to add a macron to Māori

72 I note that there is a typo in both RDG G12 and CMUDG G14 in that the macron is missing for 'Māori'. I recommend the following amendments:

G12.	Adjacent to sites or areas of significance to Māori identified in the District Plan, consider opportunities for the installation of place-based site interpretation that recognises the histories of Wellington's tangata whenua.
G14	Adjacent to sites or areas of significance to Māori identified in the District Plan, consider opportunities for the installation of place-based site interpretation that recognises the histories of Wellington's tangata whenua.

Amending an identified technical omission in CCZ, MCZ, LCZ and LCZ relating to rule hooks for the retirement village policy

73 Upon further review of CCZ, MCZ, LCZ and NCZ I have identified a technical omission in that the retirement village policies (CCZ-P13, MCZ-P11, LCZ-P11 and NCZ-P10), that were added to each zone chapter as part of the recommendation HS4-Overview-Rec32 in the Hearing Stream

4 Overview and General Matters for Commercial and Mixed Use Zones S42A report²², have no associated rule hooks.

- 74 As such I recommend that these CCZ-P13, MCZ-P11, LCZ-P11 and NCZ-P10 be added to the associated policy references in matters of discretion within equivalent alterations and additions to buildings and structures, construction of buildings and structures, and conversion of buildings, or parts of buildings, for residential activities rules (CCZ-R19.2, CCZ-R20.2, CCZ-21.1, MCZ-R21.2, MCZ-R22.1, NCZ-R18.2, LCZ-R18.2, LCZ-R19, NCZ-R19.1). These changes are shown in Appendix A.

Numbering updates to Commercial and Mixed Use Zone chapters

- 75 One minor amendment I am also recommending is to assign provision number references to the recommended additional policy (retirement village policy), rules (civic activities, government activities, parliamentary activities and retirement villages) and standards (fences and standalone walls, boundary setback from a rail corridor and sites adjoining residential zones) within the CCZ and Te Ngākau Civic Square Precinct for clarity purposes, and in the remaining CMUZ chapters.
- 76 These new policies, rules and standards have been recommended through various Hearing Stream 4 and ISPP Wrap-Up Hearing reports and evidence. There will need to be consequential renumbering of CMUZ provisions and references to reflect this numbering updates. These changes are shown in the chapters provided at Appendix A.

Date: 13 October 2023

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Position: Team Leader, District Planning Team Wellington City Council

²² Wellington City Council Proposed District Plan, Hearing Stream 4, [Part 1: Overview and General Matters S42A Report](#), 2023

Appendix A: Tracked changes to the City Centre Zone, Metropolitan Centre Zone, Local Centre Zone, Neighbourhood Centre Zone, Commercial Zone, Waterfront Zone, Residential Design Guide, Centres and Mixed Use Design Guide and Design Guide Introduction