

**SECTION 32 REPORT
PROPOSED DISTRICT PLAN
CHANGE 46**

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PROPOSED DISTRICT PLAN CHANGE 46 - SUBDIVISION DESIGN GUIDE REVIEW

Introduction

Before a proposed District Plan change is publicly notified the Council is required under section 32 of the Resource Management Act 1991 (the Act) to carry out an evaluation of the proposed change and prepare a report. As prescribed in section 32 of the Act:

An evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and*
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

An evaluation must also take into account:

- (a) the benefits and costs of policies, rules, or other methods; and*
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*

Benefits and costs are defined as including benefits and costs of any kind, whether monetary or non-monetary.

A report must be prepared summarising the evaluation and giving reasons for the evaluation. The report must be available for public inspection at the time the proposed change is publicly notified.

Background

General background

In the late 1980's the Council was in the process of considering more responsive ways of improving the quality of the built environment, particularly for developments within the central city area. The move was prompted by concerns that the quantitative plot ratio, 'plan by number approach' was not achieving the desired planning outcomes. Qualitative design guides were proposed as a means of improving development standards.

Precinct plans including design controls were first introduced into the Operative District Scheme for the Courtenay Place and Cuba Street areas in the early 1990's.

Following the enactment of the Resource Management Act in 1991 work commenced on the preparation of a new District Plan for the city. An enhanced role for design guides was proposed.

When the Proposed District Plan was publicly notified in 1994 some 14 Design Guides were included in the Plan. These focused primarily on character areas. However, the Multi-Unit Housing Design Guide and the Subdivision Design Guide were of a more generic nature applying to development throughout the city.

A range of submissions were received on the design guides that were dealt with through the hearing process. At the time it was anticipated that the design guide approach would be the subject of significant challenge but this did not eventuate. There were no Environment Court appeals on the decisions made by the Council.

It is also important to note that two cases involving design guides that were heard by The Environmental Court prior to the District Plan becoming operative. These were:

- Variation 8 introducing comprehensive new provisions for the Te Ara Haukawakawa Precinct.
- The Shelly Bay Suburban Centre Character Area.

In both cases the design guides that were an integral part of the respective provisions were fully endorsed by the Court.

Since this time the District Plan Design Guides have continued to be applied with success. The Councils first District Plan Effectiveness Report published in 2006 found that the design guide approach remained appropriate and in some areas was working very well. However, it was found that the revision and refinement of some guides would be helpful to promote higher standards of design.

The Subdivision Design Guide

The Subdivision Design Guide was introduced in 1994 as part of the new District Plan under the Resource Management Act 1991. The aim of the guide was to assist in raising the quality of subdivision design throughout the city. It was an initial effort to move from the longstanding approach of regulating subdivision development through prescriptive standards. The intent was to apply qualitative design provisions in a flexible way to promote innovative design solutions. However, with this particular design guide there has been ongoing concern that the guide has not worked as well as intended. This has not related so much to the content of the guide - which is believed to be reasonably sound - but to the subdivision consent process as a whole. The process has generally placed the Council in a reactive position with regard to subdivision application assessment with limited ability to fully implement the design guide.

To promote a more proactive approach to land development and subdivision design, particularly in 'greenfield' areas on the edge of the city the Council initiated a strategic planning study for the northern suburbs of the city in 2001. The outcome of this

exercise was the Northern Growth Management Framework adopted by the Council in October 2003. This framework established the vision, values and principles for promoting the development of high quality, sustainable communities in the northern suburbs. This was to be achieved in part through the preparation and implementation of structure plans for new areas of urban growth. The overall framework and direction of development will be established through the proposed structure plans and future subdivision applications would then be assessed against this framework and other requirements including the Subdivision Design Guide.

To implement this process a plan change has been proposed (DPC 45) that provides for the establishment of a new Urban Development zone for 'greenfield' land and the introduction of structure plans.

To enhance the role of the Subdivision Design Guide in this process the opportunity has also been taken to review this design guide. The guide has been rewritten and reformatted with new provisions reflecting the most recent thinking on subdivision design.

Consultation

The consultation relevant to Proposed Plan Change 46 was encompassed in part by the extensive consultative process for the development of a structure plan for the Lincolnshire Farm area. The intent to review the existing Subdivision Design Guide was identified as part of the set of measures to accompany the introduction of the structure plan for Lincolnshire Farm. The consultation included:

- A leaflet drop in all suburbs surrounding Lincolnshire Farm including Horokiwi.
- Media articles.
- The posting of information on the Council website.
- Drop-in sessions, public meetings and stakeholder discussions including the Horokiwi Community Association and major land owners.

In addition to the above, specific consultation was undertaken with statutory agencies as required under Clause 3 of Schedule 1 of the Resource Management Act 1991 (RMA). This involved:

- Minister for the Environment
- Nga Runanga O Ngati Toa
- The Wellington Tenth Trust
- Greater Wellington Regional Council
- Porirua City Council
- Hutt City Council

Further, an advanced draft of the new Subdivision Design Guide was also sent to a selection of the larger surveying consultancies in the city, and the Institute of Surveyors for information and comment. The complete list is as follows:

Truebridge Calendar Beach Ltd
Tse Group Ltd
Cuttriss Consultants Ltd
Wynne Paterson McLeod
Spencer Holmes
Connell Wagner
New Zealand Institute of Surveyors

Comments were received from the Institute of Surveyors.

Key Documents

The primary documents relevant to the review of the Subdivision Design Guide were:

Wellington City District Plan – Existing Subdivision Design Guide - Operative 27 July 2000.
Northern Growth Management Framework – October 2003.
Northern Growth Management Framework Implementation Programme – 2003.
Lincolnshire Farm Structure Plan 2005.

Appropriateness of objective to achieve the purpose of the Act

All of the key chapters in the Operative District Plan providing for new urban development include the following objective:

- *To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.*

Under this objective the polices and rules include reference to Design Guides for promoting quality development.

However, as the review of the Subdivision Design Guide does not involve any change or amendment to the existing District Plan objectives, no evaluation has been made in this regard.

Efficiency/Effectiveness – Benefits/Costs of Polices, Rules or Other Methods

In considering whether having regard to their efficiency and effectiveness, the reviewed subdivision Design Guide is the most appropriate for achieving the subdivision objectives the following four options were evaluated:

Option 1. Status Quo - Retain existing Subdivision Design Guide

Option 2. Delete the Subdivision Design Guide

Option 3. Adopt a reviewed and updated Subdivision Design Guide

Option 1 – Status Quo

Explanation

The existing Subdivision Design Guide is not a rule per se, but is used as the criteria for assessing subdivision proposals under the rules for the respective zones in the District Plan.

Through its application, the Design Guide seeks to achieve new urban environments that meet user needs, are consistent with the development of the identity of Wellington City, and respond in a positive way to their physical and ecological context. To this end, four design elements are dealt with comprehensively in the design guide.

- Public Space Structure
- Vegetation and Planting
- Street Design
- Building Scale and Location

Each design element contains an analysis, objectives, requirements, and specific guidelines.

Efficiency and Effectiveness

Although design guides in general have been found to be an efficient and effective means of addressing qualitative amenity issues in the city, the Subdivision Design Guide has been somewhat less effective than originally anticipated. It is believed that this has not resulted so much from shortcomings in the design guide itself, but from the wider subdivision consent process.

Central to this has been the past lack of clear strategic guidance with regard to land development in the city and the advanced stage of most subdivision design proposals at the time applications are lodged. This has limited the ability of the Council to influence development outcomes particularly for the larger subdivisions in growth areas on the edge of the city.

Although the design principles expressed in the existing Design Guide have relevance to all subdivision development, the application of the Design Guide has also been limited with regard to its application to smaller, infill residential subdivisions within the existing urban area.

Notwithstanding the above limitations, it is considered that the Subdivision Design Guide approach still provides an effective means of dealing with those qualitative subdivision design issues that are difficult to address through prescriptive standards.

Benefits and Costs

The key benefits and costs of Option 1 can be summarised as follows:

Benefits

- Potential to achieve better quality of subdivision design and land development.
- Reduced long term community costs resulting from better planning and design.
- Flexibility of application.

Costs

- Compliance costs arising from the need to implement the design guide through District Plan rules.
- Possible longer time-frames from administering more detailed qualitative design provisions.

Option 2 – Delete the Subdivision Design Guide

Explanation

The deletion of the Subdivision Design Guide is an option given that the use of design guides is a reasonably recent method of implementation and most of the city has been developed in the past in the absence of such controls.

However, earlier developments such as the hillside subdivisions of the 1970s that resulted in large scale excavation and remoulding and flattening of the landscape have been criticised for their poor urban design qualities.

Without design guide provisions for subdivision development, the Council could advocate for good design outcomes by reference to non-statutory methods or apply design requirements through prescribed standards.

Efficiency and Effectiveness

In light of the Council's overriding commitment to improving the quality of the built environment in the city, it is not considered that the deletion of the Subdivision Design Guide would be helpful.

Together with their regulatory function, design guides in general play an educative role in promoting urban design. This is integral to the Council's efforts under both the RMA and other initiatives such as the Urban Design Protocol.

Without a clear direction established through the inclusion of design criteria in the District Plan, subdivision applications would more likely be dealt with on an ad hoc basis with very limited ability to promote good design and environmental outcomes. Unless significant resources were committed to non-statutory advocacy or advice, the

Council would remain predominantly in a reactive mode with regard to the processing of subdivision proposals - and far greater difficulty would be encountered in deterring or preventing poorer quality subdivision developments.

The alternative of attempting to apply design requirements through prescriptive standards would also be problematic. Prescriptive provisions are not conducive to achieving quality design outcomes as specific standards can be constraining and inflexible. Design Guides have been prepared with the aim of establishing clear design principles which may be interpreted flexibly to encourage skilful and innovative design solutions.

It is concluded that the deletion of the Subdivision Design Guide would result in a less efficient and effective means of achieving quality subdivision development.

Benefits and Costs

The key benefits and costs of Option 2 can be summarised as follows:

Benefits

- Reduced compliance costs for owners or developers
- Reduced processing time

Costs

- Reduced quality of subdivision design and land development.
- Increased long term community costs resulting from poor planning or design.

Option 3 – Adopt a Reviewed and Updated Subdivision Design Guide

Explanation

As noted in the introduction to this report, it is believed that the content of the existing Subdivision Design Guide is generally sound - but as time has progressed it has been found that improvements could be made.

Originally the design guide was intended to apply to most subdivision development in the city but it has mostly been applied to the assessment of the more significant subdivisions in 'greenfield' situations. With recent proposals to provide for new urban development through the rezoning of rural land and the assessment of subdivisions against structure plans it is considered appropriate that the primary 'greenfield' focus of the Subdivision Design Guide be reflected in the guide. The Design Guide may however have relevance for the assessment of some larger subdivisions within or adjacent to the existing urban area.

The extension of the Subdivision Design Guide to cover smaller infill subdivision will be considered as part of the general review of residential infill that is currently

underway. Any new design requirements for infill development will be introduced by way of a future change to the District Plan.

In terms of content the review of the Design Guide has focused two areas identified for more detailed attention:

- (1) The increasing importance of environmental sustainability represented by the maintenance of eco-systems and natural landscape features.
- (2) The importance of avoiding or minimising motor vehicle dependence.

Accordingly the design guide has been expanded to address more fully the following:

- The promotion of clustering or the varying of densities with a development
- Provision for the retention, enhancement and protection of important landscapes, ecological and natural features
- The maintenance of streams and watercourses
- Environmentally sustainable storm water design
- Design for diversity to facilitate mixed-use and subdivisions that suit a range of people at different life-cycle stages.
- Enhanced safety
- Encouragement of mixed use to enhance convenience, liveability and reduced vehicle dependence
- Better integration with other relevant council strategies and plans and the Code of Practise for Land Development

Effectiveness and Efficiency

The approach of applying Design Guides through the District Plan has provided an effective and efficient means of dealing with qualitative design issues. However, for a number of reasons the existing Subdivision Design Guide has not been as successful as other design guides. The review of the document has therefore been undertaken to enhance its effectiveness and efficiency.

Most importantly the effectiveness and efficiency of the Subdivision Design Guide will be assisted by the proposed new comprehensive approach to subdivision and development of 'greenfield' land on the edge of the city. Rural land rezoned for urban development purposes will be assessed against detailed structure plans, and will provide the framework for guiding future land development. Within this context it is anticipated that the Subdivision Design Guide will be able to be applied more responsively to promote better design outcomes, particularly at the local or neighbourhood level.

Through the expansion of both the scope and content of the Subdivision Design Guide, it is also expected that this will enhance the ability to achieve better urban design and environmental results.

Overall, it is considered that the reviewed design guide will be an effective and efficient tool for the planning and design of quality subdivision developments.

Benefits and Costs

The key benefits and costs of Option 3 can be summarised as follows:

Benefits

- Improved quality of subdivision design and land development.
- Reduced long-term community costs resulting from better planning and design (enhanced further by the application of structure plans).
- Continued flexibility of application to promote innovative design solutions.

Costs

- Compliance costs arising from the need to seek resource consent for subdivision application will remain.
- Possible longer time-frame for the administration of more detailed qualitative design provisions.

The Risk of Acting or Not Acting

The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the proposed approach. In this case, it is considered that there is sufficient information available. The initial development of the Subdivision Design Guide was based on thorough investigation and robust urban design analysis. The current review of the document has been similarly based. It is therefore considered that there is a very low risk of any untoward outcomes resulting from the implementation and application of the Design Guide.

Conclusion

The review of the Subdivision Design Guide updates and improves a method for achieving the objective of the District Plan that has applied from the inception of the District Plan in 1994. In the Wellington City context design guides are now an accepted method that work successfully to deal with qualitative design or amenity issues. It is believed that the proposed improvements to the Subdivision Design Guide will ensure that it will work more effectively and efficiently to achieve the objectives of the District Plan and the relevant provisions of Part 2 of the Resource Management Act 1991.