

11 April 2023

By Email: Jaskirat.Kaur@wcc.govt.nz

Attention: Jaskirat Kaur, Hearings Administrator

Wellington City Council
PO Box 2199
Wellington 6140

HEARING STREAM 2: Residential – Design Guides, submission on behalf of Stride and Investore

1. Introduction

- 1.1 We act for Stride Investment Management Limited (**Stride**)¹ and Investore Property Limited (**Investore**)². Stride and Investore each filed a submission and a further submission on the Proposed Wellington City District Plan (**Proposed Plan**).
- 1.2 Stride and Investore's submission points on matters relevant to Hearing Stream 2: Residential primarily relate to the Residential Design Guide.
- 1.3 We ask that this letter be tabled before the Hearing Panel, in lieu of Stride and Investore appearing at Hearing Stream 2.

2. Stride and Investore's submissions

- 2.1 Stride and Investore both have significant investment in Wellington's metropolitan centres. Stride manages the Johnsonville Town Centre (which is owned by related entities Stride Property Limited and Equity Trustees Limited), and Investore owns the retail site at 91 Johnsonville Road (tenanted by Countdown and others) and the Countdown sites in Kilbirnie, Tawa and Newtown.
- 2.2 The Proposed Plan includes Design Guides which address various areas and matters, including a Centres and Mixed Use Design Guide.
- 2.3 Stride and Investore generally support the intent of the Design Guides. However, Stride and Investore seek for the Design Guides to have the status of a non-statutory guidance document that sits outside the Proposed Plan. Incorporating the design guides into the district plan elevates these provisions into the form of standards, rather than what they are intended to be as guidance.

3. Comment on the section 42A report

- 3.1 Below we respond to specific matters raised in the Council officer's section 42A report for Part 6: Design Guides General, Residential Design Guide, Papakāinga Design Guide (**Report**).

Statutory nature of the Design Guides

- 3.2 As noted above, Stride and Investore sought that the Design Guides are used as reference documents which sit outside of the Proposed Plan. Stride and Investore further sought that all direct references to the Design Guides be deleted and, where appropriate, replaced with provisions in the Plan stating the specific design outcomes sought. An additional reference can be made where there

¹ Submission 470; further submission 107.

² Submission 405; further submission 108.

is guidance in the Design Guides to support the specific design outcomes in the Plan for example "For guidance, refer to the Centres and Mixed Use Design Guide".

- 3.3 The Report recommends that no amendments are made in response to submission points on the statutory nature of the Design Guides.
- 3.4 The Council officer generally responds to these submission points at paragraph 58 of the Report.³ We respond to this general response below:
- (a) The Council officer considers that having the Design Guides as a statutory component of the Proposed Plan provides certainty, and removing the Design Guides from being a statutory component of the Proposed Plan would reduce certainty. We disagree. Identifying the design outcomes sought in the Proposed Plan, and supporting those outcomes with non-statutory guidance, provides more certainty for the community as it is clear what are standards and what is guidance.
 - (b) The Council officer considers that given the level of intensification anticipated under the Proposed Plan, it is important that the Proposed Plan includes statutory design guidance to achieve good built form, design and environmental outcomes. Stride and Investore consider it is important that the Proposed Plan achieve good built form, design and environmental outcomes, but that the Council should include these outcomes directly in the objectives, policies and rules of the Proposed Plan rather than in an extrinsic document which limits flexibility. The Design Guide would then function as guidance to achieve the objectives and policies.
 - (c) The Report states that the Design Guides have always been a statutory part of the plan (except for the Papakāinga Design Guide), and removing them would lead to confusion and complex transition to the Proposed Plan. In contrast, the approach of providing the Design Guide as a statutory document is contrary to the approach generally taken around the country, where design guides are effective as non-statutory documents that sit alongside the district plan. For completeness, we note that the Council should review the entire district plan in its review and we do not consider this is an appropriate reason to retain the Design Guides as a statutory part of the Proposed Plan.

Introduction section of the Design Guide

- 3.5 The Report recommends amendments to the 'Application' section of the Residential Design Guide.⁴
- 3.6 Stride and Investore support the intention of these amendments to recognise that the Design Guides should not be used as a strict template or planning rules, but rather guidance to achieve good design that meets the overarching outcomes and principles of the Design Guides. This clarification should also be made where reference is made to the Design Guides in other parts of the Proposed Plan. However, these amendments only partially address the concerns raised. The flexibility intended to be achieved by these amendments would be better achieved by retaining the Design Guides as non-statutory guidance (such as the approach outlined in paragraph 3.2 above) than by retaining the Design Guides as a statutory part of the plan.
- 3.7 Stride and Investore consider the Design Guides are a helpful tool to achieve design outcomes, however the Design Guides would better achieve the Council's intentions and design outcomes if provided as a non-statutory reference document.

³ Report at 10.

⁴ Report at 13.

3.8 If you have any queries regarding Stride and Investore's submissions, please let us know.

Yours faithfully
MinterEllisonRuddWatts

A handwritten signature in blue ink, appearing to read 'Bianca Tree', with a stylized flourish at the end.

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