



## 1. EXECUTIVE SUMMARY

- 1.1 My full name is Matthew Cecil Heale. I am a Principal Planner and Nelson Planning Team Lead at The Property Group, based in Nelson. I have been engaged by Kāinga Ora – Homes and Communities (**Kāinga Ora**) to provide evidence in support of its primary and further submissions on the Proposed Wellington District Plan (**PDP**) which incorporates the Intensification Planning Instruments (**IPi**) as required by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Amendment Act**), which amended the Resource Management Act 1991 (**RMA**).
- 1.2 My evidence will address the following matters:
- (a) **City Outcomes Contributions** – I recommend that provisions are “encouraged/promoted” rather than “required” and that City Outcomes Contributions (**COC**) are implemented as a method that sits outside the PDP; and
  - (b) **Design Guides** – I recommend changes to the Design Guides and relevant policy references to reduce duplication and improve certainty for plan users.
- 1.3 In particular, I support the relief sought by Kāinga Ora and the need to improve provisions by:
- a) Encouraging/promoting the COC provisions to ensure they are workable; and
  - b) Amending Design Guides and relevant provisions to:
    - i. Focus guidance points on compulsory requirements rather than optional (consideration matters);
    - ii. Add wording to Design Guides to clarify which provisions are compulsory and which are optional (or consideration matters);

- iii. Clarify that Design Outcomes need to be considered in conjunction with Zone outcomes/objectives to provide context for Design Guides; and
  - iv. Improve alignment of wording across Design Guides and linkages to the PDP.
- 1.4 A copy of my proposed amendments to the provisions under consideration in this hearing stream is included in **Appendix 1** of my evidence. I confirm that the version of relief in my evidence represents the full updated set of relief requested by Kāinga Ora in relation to this hearing topic.
- 1.5 I have included section 32AA assessments as set out in **Appendix 2** of my evidence.
- 1.6 In my opinion, the proposed changes sought in the Kāinga Ora submission and discussed within my evidence will provide a less complex, more enabling, and user-friendly plan framework with greater alignment with the PDP strategic direction, regional and national direction, and the RMA.

## 2. INTRODUCTION

- 2.1 My full name is Matthew Cecil Heale. I am Principal Planner and Nelson Planning Team Lead at the Property Group Limited, based in Nelson. I have 30 years resource management experience and have led the review of three resource management plans across Aotearoa.<sup>1</sup>
- 2.2 I am providing planning evidence on behalf of Kāinga Ora on the PDP. I was involved in the preparation of primary and further submissions by Kāinga Ora in relation to the PDP and other Intensification Planning Instruments (**IPI**) in the Wellington region as part of the Intensification Streamlined Planning Process (**ISPP**).
- 2.3 I am familiar with the corporate intent of Kāinga Ora in respect of the provision of housing and urban development within the Wellington

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<sup>1</sup> A full description of my experience is provided at [2.2]-[2.5] of my Hearing Stream 1 evidence dated 7 February 2023.

region. I am also familiar with the national, regional and district planning documents relevant to the PDP.

2.4 In preparing this evidence I have read the following documents:

- (a) The NPS-UD;
- (b) The PDP;
- (c) The Kāinga Ora submissions in relation to the PDP;
- (d) Relevant IHP Minutes including:
  - (i) Minute 29 giving Kāinga Ora leave to address COC recommendations<sup>2</sup> and Council's final position on the Design Guides and associated PDP provisions<sup>3</sup>;
  - (ii) Minute 31 seeking feedback on Mr Winchester's legal advice on COC by 20 September 2023;
- (e) Reports and supporting evidence, including but not limited to:
  - (i) Wellington City Council District Plan Drafting Style Guide;
  - (ii) Proposed Wellington City District Plan Design Guides Review – Boffa Miskell August 2023;
  - (iii) Appendix C – Expert Witness Design Guides Assessment;
  - (iv) Appendix D – Joint Witness Statement, Urban Design Experts;
  - (v) Appendix E – Recommended Amendments to Commercial and Mixed-Use Provisions;
  - (vi) Statement of Evidence of Dr Farzad Zamani on behalf of Wellington City Council (Urban Design);
  - (vii) Statement of Evidence of Ms Sarah Duffell on behalf of Wellington City Council; and
  - (viii) James Winchester advice relating to COC – 8 August 2023.
- (f) Section 42A reports.<sup>4</sup>

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<sup>2</sup> Minute 29, at [6].

<sup>3</sup> Minute 29, at [9].

<sup>4</sup> s42A reports for the ISPP Wrap up hearing including Part 1 (Definitions nesting tables, general and omitted submissions, advice, and requests of Minute 29) and Part 2 (Design Guides).

### **3. CODE OF CONDUCT**

- 3.1 Although this is a Council hearing, I have read the Environment Court's Code of Conduct for Expert Witnesses and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **4. SCOPE OF EVIDENCE**

- 4.1 The ISPP Wrap Up hearing stream submission points relate to the PDP on Plan integration, Decisions/Recommendations on the ISPP, and Centres and Mixed Use, Heritage, Residential, and Subdivision Design Guides.
- 4.2 In accordance with Minute 29 and 31 issued by the Hearings Panel, my evidence will also cover COC recommendations from the Council's right of reply during Hearing Stream 4, feedback on James Winchester advice relating to COC – 8 August 2023, and response to Council's final position on the Design Guides and associated PDP provisions.
- 4.3 My evidence will also address the following matters covered in the ISPP Wrap Up Hearing stream section 42A reports:
- (a) Retention of and statutory weight given to Design Guides;
  - (b) Application of Design Guides;
  - (c) Linkage to District Plan provisions; and
  - (d) Section 32AA assessment.
- 4.4 My evidence should be read together with the statement of evidence from Mr Nicholas James Rae – Urban Design. Mr Rae's evidence will focus on the content of Design Guides while my evidence will focus on how the Design Guides integrate with relevant plan provisions.

## **5. OVERALL ASSESSMENT ON NATIONAL AND REGIONAL CONSISTENCY**

- 5.1 As previously discussed, one of the strategic goals for Kāinga Ora, through submissions on the various IPI processes across the country including the Wellington region, is to ensure the implementation of the NPS-UD and the Amendment Act requirements achieve their stated outcomes.
- 5.2 Submissions by Kāinga Ora seek that COC sit outside the PDP and that Design Guides are refined to ensure well-functioning urban environments can be established in an efficient and effective manner.
- 5.3 Planning evidence that Ms Victoria Woodbridge and I provided on behalf of Kāinga Ora in Hearing Stream 2, 3 and 4 showed that there is clearly a need to rationalise policy and design matters relating to COC and Design Guides.
- 5.4 The changes sought from the Kāinga Ora submission and in evidence, will enable growth and intensification outcomes to happen in an efficient and effective manner while recognising the changing nature of amenity, and achieve the stated outcomes of the NPS-UD and Amendment Act.

## **6. KĀINGA ORA SUBMISSION RELATED TO WRAP UP ISPP HEARING STREAM**

- 6.1 A summary of the submission points and further submission points from Kāinga Ora which relate to matters addressed in Wrap Up ISPP Hearing Stream will be provided within Appendix 1 of the legal submissions. The Kāinga Ora submissions generally seek improvements to the COC provisions<sup>5</sup> and changes to the role, referencing, status, and content of Design Guides.<sup>6</sup>

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<sup>5</sup> 391.530 (NCZ – P10 “Encourage” rather than “require” - HS4), 391.583 (LCZ - P10 – HS4), 391.666 (MCZ – P10 – HS4) and 391.719 (CCZ – P11 – HS4).

<sup>6</sup> 391.171 (Heritage – HS3 VW), 391.765 (Remove Design Guides from Plan - Non-Statutory – HS2 VW), 391.767 (amend to clarify and simplify – HS2 VW), 391.768 (opportunity to review – HS2 VW), 391.343 (MRZ-P6 – Design outcomes rather than “Intent of Design Guide” - HS2 MH), 391.448 – HRZ-P6 – HS2 MH), 391.542 (remove reference to design guide and City Outcomes Contribution from matters of discretion and rely on urban design outcomes referenced in policy – NCZ-R18 – HS4 MH), 391.594 (LCZ-R18 – HS4 MH), 391.632 (MUZ-R16 – HS4 MH), 391.673 (MCZ-R20 – HS4 MH) 391.728 (CCZ-R19 – HS4 MH).

- 6.2 These changes seek to ensure that the PDP provisions align with national planning directions to provide for well-functioning urban environments that meet the needs of current and future generations by ensuring the role of COC and Design Guidance are appropriately utilised within the PDP context.
- 6.3 Further guidance on these matters is provided via the Wellington Regional Policy Statement (RPS) as outlined below.

### **Wellington Regional Policy Statement**

- 6.4 I note that Policy 67(a) of Plan Change 1 to the RPS supports non-regulatory measures such as urban design guidance to contribute to the qualities and characteristics of a well-functioning urban environment.
- 6.5 The operative RPS also anticipates design guidance to be a non-regulatory method. Policy 54 to the RPS, requires district plans to have particular regard to achieving the region's urban design principles, as set out in Appendix 2 to the RPS. Some of these principles extend to matters covered in the COC such as reference to 'green technology', provision of public open space, improving accessibility to public services and facilities, and 'sustainable design solutions'. This is within the context of enhancing the distinctive character of the urban environment, recognising that character is dynamic and evolving. Policy 54 is part of a suite of policies intended to implement Objective 22 of the RPS (compact, well designed and sustainable regional form). In my opinion, the proposed amendments to the policies by Kāinga Ora directing design outcomes give full effect to this.
- 6.6 In my opinion, the amendments sought in the Kāinga Ora submissions, supported and discussed further in my evidence, maximise the opportunities for intensification within existing urban areas. They 'tip the balance' in favour of intensification by removing unnecessary design controls and incentives, and policy duplication in a manner that would ensure that the PDP is more aligned with the intent of the NPS-UD and the RPS.

## **7. RECOMMENDATIONS BY SECTION 42A REPORT AND RESPONSE**

7.1 The following sections of my evidence respond to the following matters raised in the IPI Wrap Up hearing stream section 42A reports:

- (a) COC; and
- (b) Design Guides.

7.2 The planning matters in relation to COC and Design Guides are discussed in detail below. The evidence of Mr Rae supports these findings.

## **8. CITY OUTCOMES CONTRIBUTIONS (COC)**

8.1 Submissions by Kāinga Ora seek deletion or amendments to the COC provisions<sup>7</sup>.

8.2 In Hearing Stream 4 evidence, I recommended changes to the COC provisions to ensure they are workable<sup>8</sup>. I highlighted the inappropriateness of managing over height development via an assessment of amenity, accessibility, building performance, resilience and assisted housing and the fact that the COC provisions are onerous, complex and subjective.<sup>9</sup> Mr Brendon Liggett, corporate representative for Kāinga Ora, also raised concerns that the COC approach would disincentivise intensification in locations where intensification may otherwise be appropriate and is contrary to the NPS-UD by reducing the enablement of building height.<sup>10</sup>

8.3 Overall, I recommended that COC should be “encouraged/promoted” rather than “required” in relevant policies for the reasons outlined above and given 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.

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<sup>7</sup> 391.530, 391.583, 391.666 and 391.719.

<sup>8</sup> Hearing Stream 4, Statement of Evidence of Matthew Heale, at [13.1]-[13.13], including s32AA assessment in Appendix 2 below.

<sup>9</sup> A range of 20 to 40 points is required depending on the scale of non-compliance, and the points are allocated depending on levels of amenity achieved across a range of factors including public space, accessibility, sustainability and resilience, and 1 point for every 1% of assisted housing.

<sup>10</sup> Statement of Corporate Evidence of Brendon Liggett HS4 paragraphs 7.1 to 7.9 – 12 June 2023.

- 8.4 At the hearing<sup>11</sup>, in response to Council rebuttal evidence, I noted that there was some confusion about the purpose of the COC and how they are best implemented along with concerns that a guidance document would be needed to interpret the policy guidance (Appendix 16). I also raised concerns about the compulsory notification requirement where COC are not met.
- 8.5 Since the hearing, the Council has amended their position to address some of the concerns raised above. In particular:<sup>12</sup>
- (a) NCZ and HRZ should be excluded from COC requirements due to the comparatively lower scale and characteristics of other centres;
  - (b) Appendix 16 has been amended to include further guidance rather than relying on a separate guidance document; and
  - (c) Deletion of mandatory public notification clause if CCZ-P11 is not met to be consistent with other Centres.
- 8.6 While these changes are an improvement, there are still a number of outstanding questions and concerns that are addressed in further detail below. In summary, these include:
- (a) Ongoing concerns about the onerous, complex, uncertain and subjective nature of Appendix 16;
  - (b) The need for clearer links to the PDP;
  - (c) The potential duplication of other policies such as Development Contributions; and
  - (d) Concerns raised in the legal opinion of James Winchester.
- 8.7 Ms Stevens also notes that an “encourage” approach to COC as part of a general design consent process for new buildings is not supported given this would “*not effectively provide for, and subsequently deliver on, the intent and outcomes sought by the COC.*”

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<sup>11</sup> Hearing Stream 4, Speaking Notes of Matt Heale, 27 June 2023, at 2-3.

<sup>12</sup> Hearing Stream 4, Reporting Officer Right of Reply of Anna Stevens on behalf of Wellington City Council, 4 August 2023, at [103]-[137].

<sup>13</sup> Ms Stevens notes that her view is supported by the COC evaluation provided in section 11 of the City Centre Zone, Waterfront Zone and Stadium Zone section 32 report and the section 32AA assessment contained in the Centres and Mixed-Use Zone Overview section 42A report<sup>14</sup> and there is an absence of a contrasting section 32AA evaluation.

- 8.8 I attach a section 32AA evaluation at Appendix 2 showing that an “encourage/promote” approach to COC is more efficient and effective than a “require” approach. This is due to the ongoing concerns about the disconnect between height and the matters covered in the COC along with the onerous, complex and subjective nature of the COC (even as amended) and the more appropriate tools that already exist and sit outside the PDP.
- 8.9 I also note that in his legal opinion, Mr Winchester indicates that:
- (a) the COC policy adopts a relatively novel approach that have complex underlying legal issues;<sup>15</sup>
  - (b) the absence of a clear link between the effects of additional height and the outcomes is not a fatal flaw in terms of validity;<sup>16</sup>
  - (c) the COC is within the broad statutory purpose of the COC as it is permissible to advance provisions which do not have a clear relationship between effects generated and outcomes sought;<sup>17</sup>
  - (d) The COC Policy and related provisions are also not unlawful for the way in which they might duplicate or address legal requirements under other legislation;<sup>18</sup> and

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<sup>13</sup> Hearing Stream 4, Reporting Officer Right of Reply of Anna Stevens on behalf of Wellington City Council, 4 August 2023, at [119].

<sup>14</sup> Section 42A Report: Overview and General Matters for Commercial and Mixed Use Zones, Hearing Stream 4, at [138]-[149].

<sup>15</sup> James Winchester advice relating to City Outcomes Contribution, 8 August 2023, at [3]-[4].

<sup>16</sup> [11].

<sup>17</sup> [12].

<sup>18</sup> [13].

- (e) Despite the above the COC are questionable on their merits and highly problematic from a certainty perspective.<sup>19</sup>
- 8.10 Furthermore, it is noted that *“the provisions do not address the adverse effects generated by an activity subject to those provisions, and actually address different effects and outcomes, will likely be relevant to a s32 assessment of the efficiency and effectiveness”*.<sup>20</sup>
- 8.11 It is also noted that *“with reference to Lifemark and Green Star Standards the Christchurch Replacement District Plan Hearing Panel....noted that the costs, risks and benefits of a regulatory approach had not been properly identified and declined to approve the rules but instead supported a non-regulatory approach to **encouraging** low impact design elements, energy and water efficiency, and life stage and adaptive design...the important issue being not the “what” but rather the “how” in terms of how a planning instrument seeks to address and regulate these things.”*<sup>21</sup>
- 8.12 In my view this legal opinion supports the non-regulatory “encourage/promote” policy position proposed by Kāinga Ora. The matters covered in the COC do not have a clear link to over height development, are uncertain, and are more efficiently and effectively addressed by other existing methods outside the PDP such as the Development Contributions Policy. All density should be “done well” and this can be achieved through design controls in the PDP in combination with non-regulatory measures. Based on legal opinion, and remaining concerns outlined above, the COC should sit outside of the PDP.
- 8.13 However, despite these concerns, if the hearing panel are minded to retain Appendix 16 there are a number of outstanding questions that remain and need addressing as follows:
- (a) “Contribution to Public Space and Amenity” includes matters such as provision of public open space, connections, communal gardens, playgrounds, roof gardens, and public

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<sup>19</sup> [11] and [14].

<sup>20</sup> [42].

<sup>21</sup> [53]-[54].

amenities such as public toilets, street furniture, public art etc. Councils' development contribution policy allows development contributions to be taken for these matters<sup>22</sup>. 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;

- (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;
- (c) 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;
- (d) 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;
- (e) 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%;

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<sup>22</sup> Development Contributions Policy 2022, Wellington City Council.

At [4.3] – indicates that development contributions can be taken for reserves, transport and community infrastructure.

At [11.1] Definitions – notes that Community infrastructure includes public amenities and reserves includes public open space as well as toilets, walkways and cycleways, sports and play equipment.

- (f) Table 2 height threshold should say 0-49% rather than 25-49% to avoid duplication with rules and commentary should be deleted;
- (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;
- (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) It is unclear how to achieve points relating to permanent public amenities;
- (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
- (k) Carbon and Seismic are difficult to determine and would need detailed design for comparative purposes.

8.14 Overall, a number of amendments will be required if the COC provisions are to remain in place. I consider that, if COC are to be retained then they should be referenced as an “encourage/promote” policy as outlined in the CCZ-P11 example below for the reasons outlined above.

#### CCZ – P11 City Outcomes Contribution

~~Require **Promote** over and under height, large scale residential, non-residential and comprehensive developments over CCZ-S4 height thresholds and under CCZ-S4 minimum building heights in the City Centre Zone to deliver City Outcomes Contributions as detailed and scored in Appendix 16 the Centres and Mixed-Use Design Guide guideline G107, including through at least two of the following outcomes either that contribute to positive outcomes including by:~~

1. ~~Positively e~~Contributing to public space provision and the amenity of the site and surrounding area;
2. Enabling universal accessibility within buildings ease of access for people of all ages and mobility/disability;
3. Incorporating a level of building performance that leads to reduced carbon emissions and increased earthquake resilience;
4. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs;
5. ~~Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years.~~

- 8.15 I have used the term “promote” as the Wellington City District Plan Drafting Style Guide outlines that the term “encourage” when used in policy sets up what is generally provided for or encouraged and equates to a permitted activity status.<sup>23</sup> I also note that there is no term identified for provision of non-regulatory measures in the style guide. On this basis “promote” may be more appropriate than “encourage” to avoid any confusion between what might be permitted in the plan versus promoted as a tool that sits outside the PDP.
- 8.16 Other consequential changes will also be required if the Hearing Panel is minded to “promote” COC as a tool outside the PDP. This would include deleting LCZ-R18(3), MCZ – R21(3), CCZ – R19(3) and CCZ-R20(3) that refer to COC policies and Appendix 16 as matters of discretion where building height is exceeded by more than 25%.
- 9. DESIGN GUIDES**
- 9.1 Submissions by Kāinga Ora sought changes to the role, referencing, status, and content of Design Guides.<sup>24</sup>

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<sup>23</sup> ISPP Wrap Up Hearing Stream – Appendix C - Page 12.

<sup>24</sup> 391.171 (Heritage – HS3 VW), 391.765 (Remove Design Guides from Plan - Non-Statutory – HS2 VW), 391.767 (amend to clarify and simplify – HS2 VW), 391.768 (opportunity to review – HS2 VW), 391.343 (MRZ-P6 – Design outcomes rather than “Intent of Design Guide” - HS2 MH), 391.448 – HRZ-P6 – HS2 MH), 391.542 (remove reference to design guide and City Outcomes Contribution from matters of discretion and rely on urban design outcomes referenced in policy –

- 9.2 In Hearing Stream 2 Ms Woodbridge recommended that Design Guides should be used as non-statutory guides which sit outside the District Plan, noting that the extent to which development is required to achieve particular urban design outcomes should be clearly articulated in policies.<sup>25</sup> At the same hearing I recommended changes to HRZ-P6 and MRZ-P6<sup>26</sup> to remove reference to “Fulfilling the intent of the Residential Design Guide” and replacing this with “achieves the following urban design outcomes” (which were sourced from the design guides as follows):
- (a) Provides an effective public private interface;
  - (b) The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;
  - (c) Provides high quality buildings;
  - (d) Responds to the natural environment.
- 9.3 In Hearing Stream 3 Ms Woodbridge provided supporting evidence in relation to the Heritage Design Guide<sup>27</sup> noting that this should also sit outside the plan particularly as the relevant policies already address the matters covered in the Design Guide. Ms Woodbridge also provided a table following the hearing setting out the areas of overlap between Policy HH-P7 and the Heritage Design Guide (attached at **Appendix 4**)
- 9.4 Minute 15 noted that additional matters relating to Design Guides would be heard in the ISPP Wrap Up hearing following expert conferencing.<sup>28</sup> Minute 24 also noted that where the content of the subdivision design guide overlaps with other design guides, the panel directs that such content is also addressed in the review of the

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NCZ-R18 – HS4 MH), 391.594 (LCZ-R18 – HS4 MH), 391.632 (MUZ-R16 – HS4 MH), 391.673 (MCZ-R20 – HS4 MH) 391.728 (CCZ-R19 – HS4 MH).

<sup>25</sup> Statement of Evidence of Victoria Woodbridge – Hearing Stream 2 [8.1]-[8.16] including s32AA assessment in Appendix 2 below.

<sup>26</sup> Statement of Evidence of Matt Heale – Hearing stream 2, [5.25]-[5.26].

<sup>27</sup> Statement of Evidence of Victoria Woodbridge – Hearing Stream 3 [6.1]-[6.12] including s32AA assessment in Appendix 2 below.

<sup>28</sup> Minute 15: Design Guides, 11 April 2023, at [2]-[4].

Subdivision Design Guide.<sup>29</sup> Mr Rae has reviewed the Design Guides on this basis rather than just structural alignment and notes further work is required. I support Mr Rae’s findings and primarily focus my evidence on the link between Design Guides and the PDP.

9.5 Boffa Miskell have subsequently undertaken a review of design guides on behalf of WCC<sup>30</sup>. The recommendations of the review have largely been adopted in the s42A report of Ms Stevens.<sup>31</sup> Of note:

### **Boffa Miskell Comments and Recommendations**

- (a) The notified Design guides were complex when compared to other design guides;<sup>32</sup>
- (b) To provide clarity, a statement of intent has been added to each design guide to link back to the relevant policy in the PDP that requires that development “fulfils the intent” rather than “meets the requirements” of the relevant design guide;<sup>33</sup>
- (c) Design outcomes are the outcomes that would be demonstrated by a well-designed, well-functioning urban environment;<sup>34</sup>
- (d) Guidance Points provide guidance on how development can be designed to achieve the design outcomes;<sup>35</sup>
- (e) A directive approach to design guides has been adopted in the language in the Residential Design Guide (RDG) and Centres and Mixed-Use Design Guide (CMUDG) but not the Heritage and Subdivision Design Guides. The directive approach means there are “fundamental” or mandatory provisions that will be integrated into the design and “consideration” or optional matters that requires explanation

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<sup>29</sup> Minute 24: Further Directions for Hearing Stream 5 – General District-wide Matters, 21 June 2023, at [6]-[9].

<sup>30</sup> Proposed Wellington City District Plan Design Guides Review, Boffa Miskell, 18 August 2023.

<sup>31</sup> Section 42A Report: ISPP Wrap Up and Integration Hearing - Part 2: Design Guides, 22 August 2023.

<sup>32</sup> Proposed Wellington City District Plan Design Guides Review, Boffa Miskell, 18 August 2023, at [28].

<sup>33</sup> at [87] and [90].

<sup>34</sup> at [96].

<sup>35</sup> at [96].

of how these matters have been considered but not necessarily integrated into the design;<sup>36</sup>

- (f) COC's have been removed from the Design Guides to remove uncertainty about fulfilling the intent of the Design Guides, particularly as COC's only apply to development beyond specified building height but Design Guides apply to most building development<sup>37</sup>

### **Ms Stevens Recommendations**

- (g) Design Guides should remain as a statutory component of the PDP as they have always been, this will provide certainty over design principles, they are important given the level of intensification anticipated in the PDP, there was agreement via expert witness conferencing, and incorporating the Design Guide outcomes into the policy would only duplicate their content and there is limited time to do this;<sup>38</sup>
- (h) The number of guidelines in the RDG has been reduced from 97 to 47 and the CMUDG from 137 to 47 and these changes are supported;<sup>39</sup>
- (i) Changes to the Design Guides recommended by Urban Designers and Boffa Miskell are largely supported;<sup>40</sup>
- (j) The Design Guides should adopt a directive approach with a two-tier hierarchy for guidelines and Ms Stevens agrees with Dr Zamani's recommendations subject to seeing the expert evidence of other parties to the Joint Witness Statement (JWS);<sup>41</sup>
- (k) Matters of discretion referring to Design Guides are removed from rules and Design Guides are included in the design and

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<sup>36</sup> at [121]-[124].

<sup>37</sup> at [128]-[130].

<sup>38</sup> Section 42A Report: ISPP Wrap Up and Integration Hearing - Part 2: Design Guides, 22 August 2023, at [24]-[32].

<sup>39</sup> at [39][42].

<sup>40</sup> at [68]-[194].

<sup>41</sup> at [195]-[203].

residential-amenity related policies to ensure they are captured in Matters of discretion;<sup>42</sup>

- (l) “meeting the requirements” is replaced with “fulfilling the intent” in relevant Design Guide policies across the plan and reference to RDG in the Commercial and Mixed-Use Zone chapters should be replaced with CMUDG;<sup>43</sup>
- (m) A s32AA assessment is provided addressing the costs and benefits of adopting the revised design guides as opposed to the notified Design Guides.<sup>44</sup>

9.6 While I agree that the notified Design Guides were more complex than the revised Design Guides and that their rationalisation (including removal of COC provisions) is a vast improvement there are still some further refinements that should be made. Once these refinements are made, I agree that the Design Guides could remain as a statutory part of the PDP particularly if they are appropriately referenced in relevant district plan provisions.

### **Design Guide Refinements**

9.7 As noted above, Council officers and experts are recommending a two-tiered directive approach to wording of Design Guidance points to introduce “fundamental” or mandatory matters vs “consideration” or more optional matters. These are largely distinguished using the words “consider”. It appears that this exercise has been undertaken through the Boffa Miskell review on the Residential and Centres Design Guides but not the Heritage or Subdivision Design Guides (as the review focus here was structural rather than content based). Nowhere in the Design Guides themselves is this two-tiered principle explained including in the Introduction Design Guide. A quick review of the relevant Design Guides shows the following:

- (a) In the residential guide there are 17 design outcomes and 47 Guidance points. Of these only 10 guidance points (G11,

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<sup>42</sup> at [206].

<sup>43</sup> at [208]-[212].

<sup>44</sup> at [213]-[215].

G12, G22, G26, G30, G33, G44, G45, G46, and G47) use the term “consider” while G43 uses the term “where practicable”;

- (b) In the CMUDG there are 47 guidance points and 18 Design outcomes. Of these only eight (G13, G14, G22, G29, G40, G43, G46, G47) guidance points contain the term “consider” while G45 uses the term “where practicable”;
- (c) the Heritage Design Guide contains 43 guidance points with 15 references to “consider” (G2, G4, G7, G9, G11, G13, G18, G23, G25, G28, G31, G33, G38, G39, G43) and three references to “Carefully consider (G6, G8, G22) including the use of “encourage”;<sup>45</sup>
- (d) The Subdivision Design Guide contains the term “consider” twice (G10, G18) out of 60 guidance points with “Where possible/appropriate” is used liberally too; and
- (e) There are numerous guidance points across the Design Guides that should potentially be optional or “consider” points such as RDG G23, relating to communal living space which will not always be relevant, or CMUDG G4 relating to planting which may also not be required.

9.8 The analysis above indicates that Design Guides should reference the two-tiered approach to wording in each introduction section and there is a need to then undertake a full review of all Design Guides to ensure the “consider” approach has been appropriately applied. Mr Rae addresses this point more fully in his evidence and I recommend the changes proposed by Mr Rae.

9.9 If the Design Guides are to form part of the PDP, then it would also be appropriate to review the wording against the Wellington City District Plan Drafting Style Guide to ensure consistency of wording (eg “encourage”).

9.10 In my opinion the Statement of Intent should be removed from the Design Guides as the intent of the Design Guides should be directed

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<sup>45</sup> Noting the District Plan style guide equates this to a permitted activity.

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.

### **Design Guide Linkages to the District Plan**

9.11 In my opinion there are four key methods for Design Guides to link to the District Plan as follows:

- (a) Using the “intent” wording in relevant PDP policies with an “intent statement” in the relevant Design Guide as proposed by Ms Stevens;
- (b) Reflecting the design principles/structure<sup>46</sup> of the Design Guides in the relevant PDP policies (similar to that proposed in Kāinga Ora submissions);
- (c) Referencing the Design Guide “Design Outcomes” in the relevant PDP policies; and
- (d) Relying on the Relevant Zone objectives and policies to achieve the outcomes anticipated in the Design Guides.

9.12 While the section 32AA assessment undertaken by Ms Stevens clearly shows that streamlined Design Guides are more efficient and effective method than the notified Design Guides, I am unaware of a section 32AA analysis of the best method to achieve PDP Design objectives via policies and other methods including Design Guides. The section 32AA attached at **Appendix 2** of my evidence indicates that a combination of Option C and D above is the most efficient and effective method for the following reasons:

- (a) Linking to Design Outcomes in PDP policy will provide more certainty and will add clarity to the PDP objectives and policies;

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<sup>46</sup> Responding to Context, Responding to the Natural Environment in the Urban Context, Effective Public-Private Interface, Well Functioning Sites, High quality Buildings.

- (b) Referencing PDP built form and density outcomes and Design Guide Outcomes in PDP design policies will provide context with which to view DG provisions through so that assessments can be appropriately scaled and be designed to achieve Zone outcomes; and
- (c) There appears to be a general degree of agreement between JWS experts around Design Guide outcomes.

9.13 This analysis is further re-enforced by the review of the Policy HH-P7, and Heritage Design Guidelines attached at Appendix 4 and CCZ-P9 and the Centres and Mixed Use Design Guide (**CMUDG**) attached at Appendix 5 which shows:

- (a) Heritage policies generally address the matters covered in the Heritage Design Guide;
- (b) City Centre Policies only address some of the CMUDG guidance points but there is a gap around the natural environment, water, access and services which is likely to be addressed in other parts of the plan and that CCZ-P10 addresses some matters not covered in CCZ-P9;
- (c) Overall, there is better coverage of design outcomes than guidance points in the PDP; and
- (d) A number of the guidance points are optional/consider points and Design Outcomes are mandatory.

9.14 It should also be 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. Relying on the design outcomes from the Design Guides across PDP design policies will help ensure there is consistent approach across zones.

9.15 While Option C overall is the most efficient and effective method it is also important to recognise that design outcomes may be secondary

to achieving the planned urban built form of the relevant Zone, particularly given that NPS-UD Policy 6 recognises that the planned urban built form may involve significant changes to areas which may detract from existing amenity values. It is therefore recommended that relevant design policies are amended in general accordance with the CCZ and HRZ examples below<sup>47</sup> to also reference planned urban built form and density outcomes and, where these are not provided in the relevant policy, Zone objectives:

### **CCZ-P9 - Quality Design Outcomes**

Require significant 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~~ planned urban built form and function of the City Centre Zone by:

1. ~~Fulfilling the intent of~~ Achieving the Design Outcomes of the Centres and Mixed-Use Design Guide;
2. Recognising the benefits of well-designed, ~~comprehensive~~ intensive development, including the extent to which the development:
  - a. Reflects the nature and scale of the development enabled within the zone and responds to the evolving, more intensive identity of the ~~neighbourhood~~ City Centre;
  - b. Optimises the development capacity of the land, ~~particularly including sites that are: large, narrow, vacant or ground level parking areas~~;
  - c. Provides for the increased levels of residential accommodation anticipated; and
  - d. Provides for a range of supporting business, open space and community facilities; and
  - e. Is accessible for emergency service vehicle; and
2. Ensuring that development, where relevant:
  - a. Responds to the site context, particularly where it is located adjacent to:

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<sup>47</sup> Note – Wrap Up Hearing changes are highlighted yellow, red changes are from the consolidated changes sought by Kāinga Ora provided at HS4.

- i. A scheduled site of significance to Māori;
  - ii. A heritage building, heritage structure or heritage area;
  - iii. An identified character precinct;
  - iv. A listed public space;
  - v. Residential zones;
  - vi. Open space zones; and
  - vii. The Waterfront Zone;
- b. Responds to the pedestrian scale of narrower streets;
  - c. Responds to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings;
  - d. Provides a safe and comfortable pedestrian environment;
  - e. Enhances the quality of the streetscape and the private/public interface;
  - f. Integrates with existing and planned active and public transport activity movement networks, including planned rapid transit stops; and
  - g. Allows sufficient flexibility for ground floor space to be converted to a range of activities, including residential along streets that are not subject to active frontage and/or verandah coverage requirements.

#### **CCZ – P10 On-site residential amenity**

Achieve a high standard of amenity for residential activities that reflects and responds to the **evolving, higher density scale of development anticipated in the City Centre Zone**, including:

1. Providing residents with access to an adequate outlook; and
2. Ensuring convenient access to convenient outdoor space, including private and/or shared communal areas of outdoor space;
3. **Fulfilling the intent Achieving the Design Outcomes of the Centres and Mixed-Use Design Guide**; and
4. Providing residents with adequate internal living space.

**HRZ-P6 ~~Multi-unit housing~~ Higher density residential development**

Provide for ~~multi-unit housing~~ **high density residential development** where it can be demonstrated that the development:

1. ~~Fulfills the intent of the Residential Design Guide~~ **Achieves the Design Outcomes of the Residential Design Guide** following urban design outcomes:

~~a. Provides an effective public-private interface;~~

~~b. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;~~

~~c. Provides high-quality buildings;~~

~~d. Responds to the natural environment;~~

2. Provides a minimum area of private or shared outdoor living space that is sufficient to cater for the needs of future occupants;

3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development; and

4. Is able to be adequately serviced by three waters infrastructure or can address any water constraints on the site; and

5. Is located within:

a. 10 minutes' walk from the rapid transit stops of the Kapiti and Johnsonville Lines, the Ngauranga Rail Station, the edge of the Tawa, Newtown, and Miramar Town Centre Zones, and the Johnsonville Metropolitan Centre Zone and Kilbirnie Metropolitan Centre Zone; or

b. 20 minutes' walk from the edge of the Wellington City Centre Zone.

9.16 These changes will address the efficiency and effectiveness issues outlined in the section 32AA assessment in **Appendix 2**.

9.17 The one exception to this would be the Heritage Design Guide given the comprehensive overlap between PDP policy and Design Guidance Points. On this the Policy wording changes from Hearing Stream 3 are recommended which seek to remove reference to the Design Guide from HH-P7 and add it as a note. My opinion may change on

this matter once I have had an opportunity to see the final Heritage Design Guide as part of the Wrap Up hearing process. I also note that the Design Outcomes have largely been duplicated from other Design Guides and do not have a particular heritage focus.

- 9.18 In relation to subdivision, there is also a need to delete reference to Design Guides in matters of discretion and include appropriate reference in relevant policy to be consistent with the remainder of the PDP as noted in Councils Right of Reply to Hearing Stream 5. This should also extend to Rural Design Guides for consistency purposes. I also note that Mr Rae has recommended changes to the Subdivision Design Guide and has noted the need for a further review. I anticipate that this will be addressed in Council's rebuttal as noted by Council's Planner so I reserve my position on appropriate PDP wording until I have seen any consequential revisions to the Subdivision Design Guide.

## **10. SUMMARY OF PROPOSED WORDING CHANGES SOUGHT**

- 10.1 Copies of the proposed additional changes are included in **Appendix 1** of my evidence. I confirm that the version of relief in my evidence represents the full "updated" set of relief requested by Kāinga Ora in relation to this hearing topic.

## **11. CONCLUSION**

- 11.1 In conclusion, I consider that the amendments sought by Kāinga Ora (as outlined in my evidence) are appropriate and will assist in improving the consistency, usability and interpretation of provisions with the PDP. This will include how provisions are interpreted by both plan users and Councils within the Wellington region and nationally.
- 11.2 The proposed amendments to COC and Design Guide provisions, sought in submissions by Kāinga Ora, will achieve the requirements of the RMA in the following ways:
- (a) They focus provisions on the core RMA purpose of sustainable management recognising that amenity will

change in accordance with the planned urban environment expressed in zone objectives;

- (b) The Section 32AA assessments attached at **Appendix 2** and undertaken in earlier hearings streams confirms that the relief sought in submissions by Kāinga Ora represents the most efficient and effective method of achieving the purpose of the RMA particularly if the relevant guidelines avoid policy duplication within the PDP and other methods that sit outside the PDP.

11.3 Overall, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (including proposed changes to objectives), relevant objectives of the PDP and other relevant statutory documents.

**Matthew Cecil Heale**

5 September 2023

## Appendix 1 – Proposed Text Changes

**Red Text** – Previous amendments proposed by Kāinga Ora via other Hearing Streams

**Red Text** – Amendments proposed by Kāinga Ora in ISPP Wrap Up Hearing

### City Outcome Contribution Provisions

**Delete:**

- NCZ-P10
- HRZ-P12
- LCZ-R18 (3),
- MCZ – R21(3),
- CCZ – R19(3),
- CCZ-R20 (3), and
- Appendix 16
- CCZ-S1 – Delete reference to City Outcomes Contribution Height Threshold

### **CCZ – P11 City Outcomes Contribution**

Require **Promote** ~~over and under height, large-scale residential, non-residential and comprehensive developments over CCZ-S1 height thresholds and under CCZ-S4 minimum building heights in the City Centre Zone to deliver City Outcomes Contributions as detailed and scored in Appendix 16 the Centres and Mixed-Use Design Guide guideline G107, including through at least two of the following outcomes either~~ that contribute to positive outcomes including by:

1. ~~Positively~~ contributing to public space provision and the amenity of the site and surrounding area;
2. Enabling universal accessibility within buildings ease of access for people of all ages and mobility/disability;

3. Incorporating a level of building performance that leads to reduced carbon emissions and increased earthquake resilience;

4. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs;

~~5. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years.~~

### **MCZ – P10 City Outcomes Contribution**

~~Require **Promote** over and under height, large-scale residential, non-residential and comprehensive developments in the Metropolitan Centre Zone to deliver City Outcomes Contributions as detailed and scored in Appendix 16 the Centres and Mixed-Use Design Guide guideline G107, including through at least two of the following outcomes either that contributes to positive outcomes including by:~~

~~1. **Positively** contributing to public space provision and the amenity of the site and surrounding area;~~

~~2. Enabling universal accessibility within buildings ease of access for people of all ages and mobility/disability;~~

~~3. Incorporating a level of building performance that leads to reduced carbon emissions and increased earthquake resilience;~~

~~4. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs;~~

~~5. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years.~~

### **TCZ – P10 City Outcomes Contribution**

~~Encourage **Promote** development in the Town Centre Zone that contributes to positive outcomes including by:~~

~~1. Contributing to public space provision and the amenity of the site and surrounding area; and/or~~

2. Enabling ease of access for people of all ages and mobility; and/or

3. Incorporating a level of building performance that leads to reduced carbon emissions and increased earthquake resilience; and/or

4. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs.

### **LCZ – P10 City Outcomes Contribution**

Require **Promote** ~~over and under height, large-scale residential, non-residential and comprehensive developments in the Local Centre Zone to deliver City Outcomes Contributions as detailed and scored in Appendix 16 the Centres and Mixed-Use Design Guide guideline G107, including through at least two of the following outcomes either~~ that contributes to positive outcomes including by:

1. ~~Positively~~ contributing to public space provision and the amenity of the site and surrounding area;

2. Enabling universal accessibility within buildings ease of access for people of all ages and mobility/disability;

3. Incorporating a level of building performance that leads to reduced carbon emissions and increased earthquake resilience;

4. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs;

~~5. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years.~~

### **Design Guide Provisions**

#### **CCZ-P9 - Quality Design Outcomes**

Require significant 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~~ planned urban built form and function of the City Centre Zone by:

1. ~~Fulfilling the intent of~~ **Achieving the Design Outcomes of** the Centres and Mixed Use Design Guide;
2. Recognising the benefits of well-designed, ~~comprehensive-intensive~~ development, including the extent to which the development:
  - a. Reflects the nature and scale of the development enabled within the zone and responds to the evolving, more intensive identity of the ~~neighbourhood~~ **City Centre**;
  - b. Optimises the development capacity of the land, ~~particularly including sites that are: large, narrow, vacant or ground level parking areas~~;
  - c. Provides for the increased levels of residential accommodation anticipated; and
  - d. Provides for a range of supporting business, open space and community facilities; and
  - e. Is accessible for emergency service vehicle; and
2. Ensuring that development, where relevant:
  - a. Responds to the site context, particularly where it is located adjacent to:
    - i. A scheduled site of significance to Māori;
    - ii. A heritage building, heritage structure or heritage area;
    - iii. An identified character precinct;
    - iv. A listed public space;
    - v. Residential zones;
    - vi. Open space zones; and
    - vii. The Waterfront Zone;
  - b. Responds to the pedestrian scale of narrower streets;
  - c. Responds to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings;
  - d. Provides a safe and comfortable pedestrian environment;
  - e. Enhances the quality of the streetscape and the private/public interface;

- f. Integrates with existing and planned active and public transport activity movement networks, including planned rapid transit stops; and
- g. Allows sufficient flexibility for ground floor space to be converted to a range of activities, including residential along streets that are not subject to active frontage and/or verandah coverage requirements.

#### **CCZ – P10 On-site residential amenity**

Achieve a high standard of amenity for residential activities that reflects and responds to the **evolving, higher density scale of development anticipated in the City Centre Zone**, including:

1. Providing residents with access to an adequate outlook; and
2. Ensuring convenient access to convenient outdoor space, including private and/or shared communal areas of outdoor space;
3. ~~Fulfilling the intent~~ **Achieving the Design Outcomes** of the Centres and Mixed Use Design Guide; and
4. Providing residents with adequate internal living space.

#### **MCZ – P7 Quality Design Outcomes**

Require significant new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity **planned urban built form and function** of the Metropolitan Centre Zone by:

1. ~~Fulfilling the intent~~ **Achieving the Design Outcomes** of the Centres and Mixed Use Design Guide;
2. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:
  - a. Reflects the nature and scale of the development enabled within the zone and responds to the evolving, more intensive identity of the neighbourhood centre;
  - b. Optimises the development capacity of land, ~~including sites that are large, narrow, vacant or ground level parking areas;~~

- c. Provides for the increased levels of residential accommodation enabled in this zone; and
- d. Provides for a range of supporting business, open space and community facilities; and
- e. Is accessible for emergency service vehicles.

3. Ensuring that the development, where relevant:

a. Responds to the site context, particularly where it is located adjacent to:

- i. A scheduled site of significance to tangata whenua or other Māori;
- ii. Heritage buildings, heritage structures and heritage areas;

~~iii. An identified character precinct;~~

- iv. Residential zoned areas;
- v. Open space zoned areas;

- b. Provides a safe and comfortable pedestrian environment;
- c. Enhances the quality of the streetscape and public / private interface;
- d. Integrates with existing and planned active and public transport movement networks, including planned rapid transit stops; and
- e. Allows sufficient flexibility for ground floor space to be converted for a range of activities, including residential.

**MCZ – P8 On-site residential amenity**

Achieve a good standard of amenity for residential activities in the Metropolitan Centre Zone by ensuring access to convenient outdoor space:-

~~1. Providing residents with access to adequate outlook; and~~

~~2. Ensuring convenient access to convenient outdoor space, including private and/or shared communal areas of outdoor space;~~

~~3. Fulfilling the intent of the Achieving the Metropolitan Centre Zone objectives and the Design outcomes of the Centres and Mixed Use Design Guide; and~~

~~4. Providing residents with adequate internal living space.~~

### TCZ – P7 Quality design outcomes

Require significant new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and **planned urban built form and function of the Town Centre Zone** by:

1. **Achieving the Design Outcomes of the Centres and Mixed Use Design Guide;**

2. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:

a. Reflects nature and scale of the development enabled within the zone and responds to the evolving, more intensive identity of the neighbourhood;

b. Optimises the development capacity of land.

c. Provides for the increased levels of residential accommodation enabled in this zone; and

d. Provides for a range of supporting business, open space and community facilities; and

e. Is accessible for emergency service vehicles.

3. Ensuring that the development:

a. Responds to the site context, particularly where it is located adjacent to:

i. A scheduled site of significance to tangata whenua or other Māori;

ii. Heritage buildings, heritage structures and heritage areas;

iii. Residential zoned areas;

iv. Open space zoned areas;

b. Provides a safe and comfortable pedestrian environment;

c. Enhances the quality of the streetscape and public / private interface;

d. Integrates with existing and planned active and public transport movement networks, including planned rapid transit stops; and

e. Allows sufficient flexibility for ground floor space to be converted for a range of activities, including residential.

### **TCZ – P8 On-site residential amenity**

Achieve a good standard of amenity for residential activities in the Town Centre Zone by ensuring access to convenient outdoor space and achieving the Town Centre Zone objectives and the Design outcomes of the Centres and Mixed Use Design Guide.

### **LCZ – P7 Quality Design Outcomes**

Require **significant** new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and **amenity** **planned urban built form and function** of the **Local Centre Zone** by:

1. ~~Fulfilling the intent~~ **Achieving the Design Outcomes** of the Centres and Mixed Use Design Guide;
2. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:
  - a. Reflects the nature and scale of the development enabled within the zone and responds to the evolving, more intensive identity of the **neighbourhood** centre;
  - b. Optimises the development capacity of land.
  - c. Provides for the increased levels of residential accommodation enabled in this zone; and
  - d. Provides for a range of supporting business, open space and community facilities; and
  - e. Is accessible for emergency service vehicles.
3. Ensuring that the development, where relevant:

- a. Responds to the site context, particularly where it is located adjacent to:
  - i. A scheduled site of significance to tangata whenua or other Māori;
  - ii. Heritage buildings, heritage structures and heritage areas;
  - ~~iii. An identified character precinct;~~
  - iv. Residential zoned areas;
  - v. Open space zoned areas;
- b. Provides a safe and comfortable pedestrian environment;
- c. Enhances the quality of the streetscape and public / private interface;
- d. Integrates with existing and planned active and public transport movement networks, including planned rapid transit stops; and
- e. Allows sufficient flexibility for ground floor space to be converted for a range of activities, including residential.

#### **LCZ-P8 On-site residential amenity**

Achieve a good standard of amenity for residential activities in the Local Centre Zone by ensuring access to convenient outdoor space.: ~~1. Providing residents with access to adequate outlook; and~~

~~2. Ensuring convenient access to convenient outdoor space, including private and/or shared communal areas of outdoor space;~~

~~3. Fulfilling the intent of the Achieving the Local Centre Zone objectives and the Design outcomes of the Centres and Mixed Use Design Guide; and~~

~~4. Providing residents with adequate internal living space.~~

#### **NCZ – P7 Quality design**

Require significant new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity planned urban built form and function of the **Neighbourhood Centre Zone** by:

1. ~~Fulfilling the intent~~ **Achieving the Design Outcomes** of the Centres and Mixed Use Design Guide;
2. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:
  - a. Reflects the nature and scale of the development enabled within the zone and responds to the evolving, more intensive identity of the **neighbourhood** centre;
  - b. Optimises the development capacity of land.
  - c. Provides for the increased levels of residential accommodation enabled in this zone; and
  - d. Provides for a range of supporting business, open space and community facilities; and
  - e. Is accessible for emergency service vehicles.
3. Ensuring that the development, where relevant:
  - a. Responds to the site context, particularly where it is located adjacent to:
    - i. A scheduled site of significance to tangata whenua or other Māori;
    - ii. Heritage buildings, heritage structures and heritage areas;
    - ~~iii. An identified character precinct;~~
    - iv. Residential zoned areas;
    - v. Open space zoned areas;
  - b. Provides a safe and comfortable pedestrian environment;
  - c. Enhances the quality of the streetscape and public / private interface;
  - d. Integrates with existing and planned active and public transport movement networks, including planned rapid transit stops; and
  - e. Allows sufficient flexibility for ground floor space to be converted for a range of activities, including residential.

### NCZ – P8 On-site residential amenity

Achieve a good standard of amenity for residential activities in the Neighbourhood Centre Zone by ensuring access to convenient outdoor space.: ~~1. Providing residents with access to adequate outlook;~~ and

~~2. Ensuring convenient access to convenient outdoor space, including private and/or shared communal areas of outdoor space;~~

~~3. Fulfilling the intent of the~~ Achieving the Local Centre Zone objectives and the Design outcomes of the Centres and Mixed Use Design Guide; ~~and~~

~~4. Providing residents with adequate internal living space.~~

### MUZ – P5 Residential activities

Ensure the ongoing functional use of the Mixed Use Zone for a range of business uses by:

1. Restricting residential activities being established at the ground floor level of buildings;

2. Ensuring residential activities are designed and constructed to provide good on-site amenity and to avoid reverse sensitivity effects on non-residential activities within the zone.; and

~~3. Fulfilling the Intent~~ Achieving the Mixed Use Zone objectives and the Design outcomes of the Centres and Mixed Use Design Guide.

### MUZ-P6 Design of new development

Encourage a high standard of built form and amenity while;

a. Enabling innovation and choice in the design of new built development to reflect the diverse neighbourhood context of the Mixed Use Zone.; and

~~b. Fulfilling the intent~~ Achieving the Mixed Use Zone objectives and the Design outcomes of the Centres and Mixed Use Design Guide.

### **HRZ-P6 Multi-unit housing Higher density residential development**

Provide for ~~multi-unit housing~~ **high density residential development** where it can be demonstrated that the development:

1. ~~Fulfils the intent of the Residential Design Guide~~ **Achieves the Design Outcomes of the Residential Design Guide** following urban design outcomes:

~~a. Provides an effective public private interface;~~

~~b. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;~~

~~c. Provides high quality buildings;~~

~~d. Responds to the natural environment;~~

2. Provides a minimum area of private or shared outdoor living space that is sufficient to cater for the needs of future occupants;

3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development; and

4. Is able to be adequately serviced by three waters infrastructure or can address any water constraints on the site; and

5. Is located within:

a. 10 minutes' walk from the rapid transit stops of the Kapiti and Johnsonville Lines, the Ngauranga Rail Station, the edge of the Tawa, Newtown, and Miramar Town Centre Zones, and the Johnsonville Metropolitan Centre Zone and Kilbirnie Metropolitan Centre Zone; or

b. 20 minutes' walk from the edge of the Wellington City Centre Zone.

### **MRZ-P6 Multi-unit housing Higher density residential development**

Provide for ~~multi-unit housing~~ **more than three residential units per site** where it can be demonstrated that the development:

1. ~~Fulfils the intent of the Residential Design Guide~~ **Achieves the Design Outcomes of the Residential Design Guide** following urban design outcomes:

~~a. Provides an effective public private interface;~~

~~b. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;~~

~~c. Provides high quality buildings;~~

~~d. Responds to the natural environment;~~

2. Provides a minimum area of private or shared outdoor living space that is sufficient to cater for the needs of future occupants;

3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development; and

4. Is able to be adequately serviced by three waters infrastructure or can address any water constraints on the site; and

5. Is located within:

a. 10 minutes' walk from the rapid transit stops of the Kapiti and Johnsonville Lines, the Ngauranga Rail Station, the edge of the Tawa, Newtown, and Miramar Town Centre Zones, and the Johnsonville Metropolitan Centre Zone and Kilbirnie Metropolitan Centre Zone; or

b. 20 minutes' walk from the edge of the Wellington City Centre Zone.

~~Note: Best practice urban design guidance is contained within Council's Design Guidelines.~~

## **HH-P7 – Additions, alterations and partial demolition of heritage buildings and structures**

Provide for additions and alterations to, and partial demolition of heritage buildings and heritage structures where it can be demonstrated that the work does not detract from the identified heritage values, having regard to:

1. The extent to which the work:

- a. Supports the heritage building or heritage structure having a sustainable long term use and its ongoing functionality;
- b. Promotes, enhances, recovers or reveals heritage values;
- c. Retains the main determinants of the architectural style or design of the heritage building or heritage structure;
- d. Is compatible with the scale, form, proportion, design and materials of the heritage building or heritage structure;
- e. Respects the identified relationship of the heritage building or heritage structure with its setting;
- f. Enables any adverse effects on identified heritage values to be reversed;
- g. Minimizes the loss of fabric and craftsmanship;

- h. Is in accordance with any conservation plan that has been prepared by a suitably qualified heritage professional;
- i. Increases structural stability, accessibility and means of escape from fire;
- ~~j. Fulfils the intent of the Heritage Design Guide~~

- 2. The visibility of the work from street frontages;
- 3. Whether the works would lead to cumulative adverse effects on identified heritage values;
- 4. Whether there has been any change in circumstances since scheduling in the District Plan, including damage from natural disaster;
- 5. Any advice that has been obtained from a suitably qualified heritage professional including Heritage New Zealand Pouhere Taonga; and
- 6. The identified heritage values of the heritage area where located within a heritage area.

Note – The Heritage Design Guide and Wellington Heritage Inventory provide guidance and information on the historic heritage values which should be considered in relation to additions, alterations or partial demolition of heritage buildings and structures.

## Subdivision

### Sub – P3 Sustainable design

Provide for subdivision design and layout that makes efficient use of renewable energy and other natural and physical resources, and delivers well-connected, resilient communities including development patterns that:

- 1. Maximise solar gain;
- 2. Incorporate effective water sensitive design;
- 3. Achieve hydraulic neutrality;
- 4. Provide for safe vehicle access;
- 5. ~~Fulfil the intent of the Subdivision Design Guide~~ **Achieves the relevant Zone objectives and the Design Outcomes of the relevant Design Guide**
- 6. Support walking, cycling and public transport opportunities and enhance neighbourhood and network connectivity and safety; ~~and~~
- 7. Are adaptive to the effects of climate change.

### SUB – R3(3) Delete Matter of discretion 2 and SUB – R3(3) Matter of discretion 6 – Rural Design Guide

- 3. Activity status: Restricted Discretionary Where:
  - a. The boundary adjustment is not a permitted activity under SUB-R3.1 or a controlled activity under SUB-R3.2.

Matters of discretion are:

- 1. The matters in SUB-P1, SUB-P2, **SUB-P3**, SUB-P4, SUB-P5, SUB-P6, SUBP7, and {Link,16616, SUB-P8;
- ~~2. The matters in the Subdivision Design Guide;~~
- 3. The extent and effect of non-compliance with any relevant Standard as specified in the associated assessment criteria for the infringed Standards;
- 4. For subdivisions in Lincolnshire Farm Development Area, the matters in DEV2-P1, DEV2-P2 and DEV2-P6;
- 5. For subdivisions in Upper Stebbings/Glenside West Development Area, the matters in DEV3-P1, DEV3-P2, DEV3-P5 and DEV3-P6;
- ~~6. For subdivisions in the General Rural Zone, the matters in the Rural Design Guide.; and~~
- 7. Site access and the design of any vehicle parking and associated manoeuvring areas proposed.

Notification Status: Applications under this rule are precluded from being publicly notified.

## **SUB – R5(2) Delete Matter of discretion 2 and SUB – R5(2) Matter of discretion 6 – Rural Design Guide**

### 2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with the requirements of SUB-R5.1.a cannot be achieved; and
- b. Compliance with the following standards is achieved:
  - i. SUB-S1;
  - ii. SUB-S2;
  - iii. SUB-S3;
  - iv. SUB-S4;
  - v. SUB-S5;
  - vi. SUB-S6;
  - vii. SUB-S7; and
- c. In the Future Urban Zone, the subdivision is in general accordance with the relevant Development Plan in the Planning Maps and with the Requirements set out in APP12 – Lincolnshire Farm Development Area and APP13 – Upper Stebbings and Glenside West Development Area; and
- d. In the General Rural Zone:
  - i. All allotments identify a building platform for any existing or proposed residential unit that is no closer than 100m to any other existing or proposed building platform for a residential unit; and
  - ii. Any allotment to be subdivided must be at least five years old from the deposit of survey plan.

Matters of discretion are:

1. The matters in SUB-P1, **SUB-P3**, SUB-P4, SUB-P6, SUB-P7, and SUB-P8;
- 2. The matters in the Subdivision Design Guide;**
3. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards;
4. For subdivisions in Lincolnshire Farm Development Area, the matters in DEV2-P1, DEV2-P2 and DEV2-P6;
5. For subdivisions in Upper Stebbings/Glenside West Development Area, the matters in DEV3-P1, DEV3-P2, DEV3-P5 and DEV3-P6;
- 6. For subdivisions in the General Rural Zone, the matters in the Rural Design Guide; and**
7. Site access and the design of any vehicle parking and associated manoeuvring areas.; and
8. Any consent notices, covenants or other legal instruments necessary.

Notification status: Applications under this rule are precluded from being publicly or limited notified.

## Appendix 2 – S32AA Assessments

### Design Guides as Non-statutory Documents – Evidence of Victoria Woodbrigde – HS2

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• Removing the requirement that development is <i>consistent</i> with the Design Guides removes ambiguity around compliance with guidance.</li> <li>• The use of the Design Guide and Standards as non-statutory guides, rather than having direct reference to them in the policies and assessment criteria of the District Plan, will ensure that the policies and criteria focuses on the actual outcomes that the PDP is seeking to achieve, with the use of the guide as a tool to meet the outcomes expressed.</li> <li>• Having the design objectives clearly articulated within the matters of discretion (within the relevant policies) provides a more effective “line of sight” to the critical outcomes.</li> <li>• Having design guidance as a non-statutory tool will enable them to be updated and revised, to efficiently respond to any emerging design-based shortcomings</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>• The recommended amendments will simplify the District Plan to the extent that the rules can clearly focus on the ensuring that outcomes of the chapter are achieved.</li> <li>• It will also enable changes to be made to the Design Guides, as design philosophy and requirements change, without the need for a full statutory review process.</li> <li>• There will be ongoing cost savings if Design Guides are non-statutory. Otherwise, amendments will need to go through a Schedule 1 process to any amendments over the life of the District Plan.</li> <li>• Design guidance outside of the plan has lesser weighting, so there could be a perception that it has less of a role to play. However, this is resolved, in part, by ensuring that the policy framework clearly articulates the critical design outcomes.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPS-UD.</li> <li>• The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD.</li> <li>• The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the section 42A report</li> </ul>

**Amendments to Policies to incorporate design Guides (HH-P7 and HH-P14) Evidence of Victoria Woodbridge – HS3**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• Removing the requirement that development fulfills the intent of the Design Guides removes ambiguity around compliance with guidance.</li> <li>• The use of the Design Guide and Standards as non-statutory guides, rather than having direct reference to them in the policies and assessment criteria of the District Plan, will ensure that the policies and criteria focuses on the actual outcomes that the PDP is seeking to achieve, with the use of the guide as a tool to meet the outcomes expressed.</li> <li>• Having the design objectives clearly articulated within the matters of discretion (within the relevant policies) provides a more effective "line of sight" to the critical outcomes.</li> <li>• Having design guidance as a non-statutory tool will enable them to be updated and revised, to efficiently respond to any emerging design-based shortcomings</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>• The recommended amendments will simplify the District Plan to the extent that the rules can clearly focus on the ensuring that outcomes of the chapter are achieved.</li> <li>• It will also enable changes to be made to the Design Guides, as design philosophy and requirements change, without the need for a full statutory review process.</li> <li>• There will be ongoing cost savings if Design Guides are non-statutory. Otherwise, amendments will need to go through a Schedule 1 process to any amendments over the life of the District Plan.</li> <li>• Design guidance outside of the plan has lesser weighting, so there could be a perception that it has less of a role to play. However, this is resolved, in part, by ensuring that the policy framework clearly articulates the critical design outcomes.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents, including the RPS.</li> <li>• The risk of not acting is the Design Guides will not keep pace with best practice principles and the consenting process may be protracted where there are disputes over whether a development fulfills the intent of the Design Guide.</li> </ul>
Decision about more	<ul style="list-style-type: none"> <li>• The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving</li> </ul>

appropriate action	the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the section 42A report.
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## City Outcomes Contributions

	<b>Option 1 – Require COC for over and under height buildings</b>	<b>Option 2 – Promote COC and rely on design controls</b>
<b>Efficiency and Effectiveness</b>	<p>Requiring assisted housing, universal accessibility, contribution to Public Space and amenity, restoration of heritage sites, reduction in embodied carbon, seismic resilience, and Green Star or Home Star ratings for over and under height buildings will be an effective method of achieving NPSUD Policy 1 directives in those situations but not for all buildings.</p> <p>Requiring COC for over and under height buildings is not efficient due to duplication as a number of matters are already incentivised (Green Star Buildings) or required (Reserves including amenities) through the Development Contributions and standards.</p> <p>The COC process will not be efficient as this relies on a largely subjective and complex assessment that is uncertain and may lead to public notification.</p> <p>It will also be unclear how the Green/Home star rating will be met prior to building being complete which also creates uncertainty about notification status up front.</p>	<p>Promoting and incentivising COC via methods outside the plan such as development contributions in combination with PDP design/heritage controls and ensuring intensification is maximised in the right locations is an effective method of achieving NPSUD objectives and policies related to COC for all buildings not just over height or under height buildings.</p> <p>Promoting and incentivising COC via methods outside the plan and relying on design/heritage controls is an efficient approach as this is well understood by the community.</p> <p>Relying on Development Contributions to incentivise Green/Home Star buildings is more effective and efficient due to increased certainty as the remissions can be applied for 12 months after buildings are built/certified.</p>
<b>Costs/Benefits</b>	<p><b>Environmental</b> Higher heights may be disincentivised resulting in less intensification in accessible locations and increased travel and associated environmental impacts.</p> <p>If COC requirements are met there may be an improvement in environmental matters covered by COC although this may occur anyway due to other design/heritage controls and methods outside the plan.</p> <p><b>Economic</b> Having to show compliance with COC will be an extra cost to meeting PDP design and heritage controls.</p> <p>Paying development contributions and having to meet COC requirements is a double cost.</p> <p>The uncertainty around COC will lead to additional time and cost which may disincentivise intensification.</p> <p><b>Social and Cultural - Neutral</b></p>	<p><b>Environmental</b> Higher heights will be enabled in accessible locations with associated environmental benefits.</p> <p>Improvements in COC outcomes may be achieved via design/heritage controls and incentives/requirements such as Development Contributions</p> <p><b>Economic</b> Not having to meet COC requirements for over height development will allow additional supply for land and development markets.</p> <p>Not having to meet COC requirements will allow cost savings which may lead to more affordable housing.</p> <p>Relying on existing methods will increase certainty.</p> <p><b>Social and Cultural - Neutral</b></p>
<b>Risk of acting/not acting</b>	<p>The risk of not acting is limited as the COC matters are addressed via other methods inside and outside the PDP. The risk of acting is that requiring COC may disincentivise intensification due to uncertainty and cost.</p>	<p>Low risk of acting as this is largely the status quo and COC will largely be delivered via design/heritage controls and Development Contributions.</p>

<b>Decision about more appropriate action</b>	Option 2 including the recommended amendments as set out in my evidence are more appropriate at achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the Section 42A report. In particular, Option 2 is more efficient and effective, and the benefits outweigh the costs more than option 1 as outlined above.
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## Design Guides

### District Plan amenity and design related objectives

The CCZ Amenity and Design objective seeks that development within the CCZ positively contributes to creating high quality, well-functioning urban environments including:

1. Reinforcing the City Centre Zone's distinctive sense of place;
2. Providing a quality and level of public and private amenity in the City Centre Zone that evolves and positively responds to anticipated growth and the diverse and changing needs of residents, businesses and visitors;
3. Maintaining and enhancing the amenity and safety of public space;
4. Contributing to the general amenity of neighbouring residential areas while achieving the planned plan-enabled urban form of the City Centre Zone;
5. Producing a resilient urban environment that effectively adapts and responds to natural hazard risks and the effects of climate change;
6. Protecting current areas of open space, including green space, and providing greater choice of space for residents, workers and visitors to enjoy, recreate and shelter from the weather; and
7. Acknowledging and sensitively responding to adjoining heritage buildings, heritage areas and areas and sites of significance to Māori.

MCZ Amenity and design objectives seek High density mixed-use development is achieved that positively contributes to a good quality, well-functioning urban environment that reflects the changing urban form and amenity values of streets and public places in the Metropolitan Centres Zone.

LCZ Amenity and Design objectives are similar to MCZ objectives but seek medium to high density development while TCZ objectives (as recommended) seek high density development.

MUZ objectives seek development that positively contributes to creating a well-functioning urban environment.

MRZ and HRZ do not have specific amenity and design objectives but instead rely on Objective 2 relating to the efficient use of the land that....” contributes positively to a changing and well-functioning urban environment” with the HRZ objective noting it will be of a greater scale and density than the MRZ.

Subdivision objectives seek an efficient development pattern compatible with the intensity anticipated for the underlying zone.

Overall, these objectives are seeking a range of development densities that positively contribute to quality, well-functioning urban environments.

There are four broad options for design related district plan provisions to achieve these objectives via Design Guide linkages as follows;

1. Using the “intent” wording in relevant PDP policies with an “intent statement” in the relevant Design Guide as proposed by Ms Stevens;
2. Reflecting the design principles/structure of the Design Guides in the relevant PDP policies (similar to that proposed in Kāinga Ora submissions);
3. Referencing the Design Guide “Design Outcomes” in the relevant PDP policies; and
4. Relying on the relevant Zone objectives and policies to achieve the outcomes anticipated in the Design Guides.

## Options Analysis

These options are assessed below.

	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>	<b>Option 4</b>
<b>Efficiency and Effectiveness</b>	Intent wording largely duplicates the relevant PDP objectives at a high level so is not considered particularly efficient or effective.	Design principles/structure are high level and provide limited guidance so are not considered efficient or effective	Design outcomes are clearly articulated and add clarity of outcome to the Plan objectives and policies. To be effective and efficient, they need to be read in conjunction with Zone objectives that seek development to be in accordance with planned urban built form or density outcomes to provide context for the broad coverage of Design Guides	While relying solely on Zone objective and policies will be efficient it will have limited effectiveness given their high level and varied nature. This will be useful to provide context for Design outcome assessments though in terms of intensification outcomes and scale of assessments.
<b>Costs/Benefits</b>	There will be additional costs of having to assess Intent as well as zone objectives	There will be additional costs of having to assess design principles/structure as well as zone objectives with little benefit given their high level nature.	There will be additional costs of having to assess Design Outcomes as well as zone objectives, but this will be beneficial given their clear outcome focus and direct link to Guidance Points.	There will be additional time and cost incorporating Design Guides directly into PDP objectives and policies.
<b>Risk of acting/not acting</b>	Risk of acting is duplication and uncertainty	Risk of acting is duplication and uncertainty	Action will create a clear link between PDP outcomes and Design Outcomes	Action will create take time but will provide helpful context if combined with option 3.
<b>Decision about more appropriate action</b>	A combination of Option 3 and 4 is considered the most efficient and effective as the Zone objectives provide useful context about intensification outcomes to filter Design assessments through. For example, a medium density development in a MRZ would potentially not need as much detail as a high density development. Likewise, a high density development in a LCZ would require more analysis given this zone anticipates medium density development.			

## Appendix 3 - Post Hearing Reply Amended Recommendations of Council to Appendix 16 City Outcomes Contributions (shown in purple) – 4 August 2023

### Appendix 16: City Outcomes Contribution

This appendix and the requirements set out within it apply to the City Centre Zone, Metropolitan Centre Zone and Local Centre Zone, Neighbourhood Centre Zone and High Density Residential Zone, and relates to and should be read in conjunction with District Plan provisions CCZ-P11, MCZ-P10, LCZ-P10, NCZ-P10, HRZ-P13, CCZ-R19, CCZ-R20, MCZ-R20, LCZ-R18, NCZ-R18, HRZ-R14 and CCZ-S1.

City Outcomes Contribution is a method that aims to ensure 'density is done well'. It is a method to ensure that tall buildings (relevant to zone typologies) and buildings under the City Centre Zone minimum building height provide beneficial public and private outcomes, as identified in Table 3 below, and contribute to well-functioning urban environments.

It is targeted at commercial, residential and mixed-use developments that are either under-height or above area specific height thresholds. These developments, typically more so than others, have the potential to impact on the quality and level of public and private amenity within the City's commercial centres, and securing additional benefits from these developments is therefore required.

The following development must meet the City Outcomes Contributions requirements:

- Development in the City Centre Zone under the Minimum Building Height control (CCZ-S6);
- Development in the City Centre Zone above the City Outcomes Contribution height thresholds (CCZ-S1); and
- Development in the Metropolitan Centre Zone and Local Centre Zone, Neighbourhood Centre Zone and High Density Residential Zone above the maximum building height limits (MCZ-S1 and LCZ-S1, NCZ-S1, HRZ-S1 and HRZ-S2) where these standards are exceeded by 25% or more.

The following tables set out the development types that trigger consideration of City Outcomes Contribution, including associated numeric thresholds to be satisfied and the outcomes sought. The thresholds defined in the below tables reflect the extent of the impact certain forms of under-height or large-scale development can have on the city. For example, the taller or larger the development, the greater its potential impact on public amenity and urban living in the city. Consequently, it is anticipated that under-height or larger developments will positively address future challenges confronting the city regarding access to public and green space, sustainability and climate change, accessibility, and assisted housing.

Table 3 identifies how points can be achieved per each outcome in the table. It is recommended that where a development exceeds the City Outcomes Contribution height threshold (CCZ-S1) or maximum building heights (MCZ-S1, LCZ-S1), that developers engage in pre-application discussions with the Council. This will enable the developer to work with the Council to determine whether they can obtain sufficient points to achieve the City Outcomes Contribution prior to lodgement of the resource consent application. As much clarity and certainty has been afforded as possible through this appendix, however, full certainty with regards to points allocation will not be provided until the resource consent application is lodged.

As indicated in the applicable policies (CCZ-P11, MCZ-P10, LCZ-P10), an application needs to provide outcomes from two or more City Outcome Contribution categories.

**Table 1: City Centre Zone – [City Outcomes Contribution Height Thresholds](#) for any under or over height development**

Threshold	Points required	Comments
<b>Maximum City Outcomes Contribution height limit threshold</b>		
Any development that exceeds the <del>maximum</del> height <del>limit</del> by threshold by 30% - 24%	20	<del>Developments that are within the 10% height threshold do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide</del>
Any development that exceeds the <del>maximum</del> height <del>limit</del> threshold by 25% - 49%	30	
Any development that exceeds the <del>maximum</del> height <del>limit</del> threshold by 50% or more	40	
<b>Minimum height limit</b>		
Any development below the minimum height limit by 25% - 49%	30	Developments below the 25% minimum height threshold do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide.
Any development below the minimum height limit by 50%	40	

**Table 2: Metropolitan Centre Zone (MCZ) and Neighborhood Centre Zone (NCZ), Local Centre Zone (LCZ) and High Density Residential Zone (HRZ) - Thresholds for any over height development:**

Threshold	Points required				Comments
	MCZ	NCZ	LCZ	HRZ	
Any development that exceeds the maximum height limit by 25%-49%	20	<del>40</del>	10	<del>20</del>	<del>The City Outcomes Contribution does not apply to dDevelopments that are within the 25% height threshold; however, these will be assessed against the Centres and Mixed Use Design Guide. do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide.</del>
Any development that exceeds the maximum height limit by +50%	30	15	15	25	-

*The table below sets out the relevant City Outcomes sought in response to the development thresholds outlined in Tables 1 and 2. To achieve the minimum numeric value associated with the relevant threshold in these tables, a score based on the combined aggregate points of two or more of the outcomes listed in Table 3 is required.*

Outcome	Points	How points can be achieved Comments
<b>Contribution to Public Space and Amenity (1-10 points)**</b>		
For every 10% of the site accessible as public open space	1-10	The range in points depends on the quality, extent and level of amenity that each solution provides.
Any lane-way or through-block connection	1-10	<p>The range in points depends on the quality, extent and level of amenity that each solution provides.</p> <p>Matters taken into account when <u>attributing points to a lane-way or through-block connection</u>:</p> <ul style="list-style-type: none"> <li>- <u>Extent of public access. Connections with full public access will achieve higher points than those with limited (eg daytime only) access, or private connections.</u></li> <li>- <u>Activation at ground level – for example through store frontages in tenancies facing the laneway, or cafes opening out to the laneway.</u></li> <li>- <u>Landscaping and street furniture within the lane-way or through-block connection.</u></li> <li>- <u>Accessibility.</u></li> </ul> <p><u>Note: The design of any lane-ways or through-block connections must take into account the principles of Crime Prevention Through Environmental Design (CPTED).</u></p>
Provision of appropriate communal gardens, playgrounds, and roof gardens	1-5 <del>(1-10 for HRZ)</del>	<p>The range in points depends on the quality, extent and level of amenity that each solution provides.</p> <p>Matters taken into account when <u>attributing points to communal gardens, playground and roof gardens</u>:</p> <ul style="list-style-type: none"> <li>- <u>Extent of public access. Connections with full public access will achieve higher points than those with limited (eg daytime only) access, or private access.</u></li> </ul>

		<ul style="list-style-type: none"> <li>- <u>Activation between buildings and the garden, playground or roof garden.</u></li> <li>- <u>Landscaping and street furniture within the lane-way or through-block connection.</u></li> <li>- <u>Whether the work contributes to a Council programme of works (eg the Green Network Plan).</u></li> <li>- <u>Accessibility.</u></li> </ul> <p><u>Note:</u></p> <ul style="list-style-type: none"> <li>- <u>The design of any publicly accessible spaces must take into account the principles of CPTED.</u></li> <li>- <u>Public playgrounds must meet any applicable national standard for playground safety.</u></li> </ul>
<p><u>Provision of permanent public amenities, e.g. public toilets, street furniture, electric vehicle (ev) charging, park benches, landscaping, bike parking, public art (eg sculptures or murals) and street improvement works, the provision of spaces for community use (eg artist studios)</u></p>	1-5	<p><u>The range in points depends on the quality, extent and level of amenity that each solution provides.</u></p> <p><u>Matters taken into account when attributing points to public amenities:</u></p> <ul style="list-style-type: none"> <li>- <u>Whether the work contributes to a Council programme of works (eg the Green Network Plan, cycleways or street improvement works).</u></li> <li>- <u>The adaptability of the space.</u></li> <li>- <u>Accessibility.</u></li> </ul> <p><u>Note:</u></p> <ul style="list-style-type: none"> <li>- <u>The range in points depends on the quality, extent and level of amenity that each solution provides.</u></li> <li>- <u>Where more than one public amenity feature is provided separate points will be attributed to each amenity feature.</u></li> <li>- <u>The installation of any features on public land will need confirmation that approval will be provided by the landowner (ie the Council) before points are awarded for this feature.</u></li> </ul>

Universal Accessibility (5-10 points)		
Lifemark 5-Star or equivalent or higher	10	
Lifemark 4-Star or equivalent	7.5	
Lifemark 3-Star or equivalent	5	
Sustainability and Resilience (1-10 points)		
GreenStar 6 or HomeStar 9 or equivalent or higher	10	<u>Points for GreenStar or HomeStar certification can be achieved when this not awarded until after construction.</u>
GreenStar 5 or HomeStar 8 or equivalent	7.5	<u>Points for GreenStar or HomeStar certification can be achieved when this not awarded until after construction.</u>
GreenStar 4 or HomeStar 7 or equivalent	5	<u>Points for GreenStar or HomeStar certification can be achieved when this not awarded until after construction.</u>
<u>Adaptive reuse of buildings Restoration of a degraded heritage building, heritage structure, or site/area of significance to Māori, that is listed in Schedule 1, 2 or 7, and is on the same site or adjoining site to the development.</u>	1-10	<p><u>Matters taken into account when attributing points to the restoration of schedule heritage:</u></p> <p>The range in points depends on-</p> <ul style="list-style-type: none"> <li>- <u>The quality, and extent and level of reuse and regeneration of the restoration.</u></li> <li>- <u>How the restoration, and how it provides for ongoing use and maintenance of the heritage or site/area of significance.</u></li> <li>- <u>Any features that enhance the heritage/SASM, such as signage (interpretative signs).</u></li> </ul>
<u>Reduction in embodied carbon in buildings compared to an equivalent standard construction.</u>	1-10	<p><u>Matters taken into account when attributing points to the reduction of embodied carbon:</u></p> <ul style="list-style-type: none"> <li>- <u>The range in points depends on the quality, extent, proportion and quantum of reduced embodied carbon level of amenity that each solution provides.</u></li> </ul>
<u>Seismic resilience measures Additional to 100% New Building Standard, including such as base isolations, seismic dampers, etc. Use of low-damage building design techniques so that the building exceeds the 100% New Building Standard for seismic resilience, and is more easily repaired and re-used after an earthquake.</u>	1-10	<p><u>Matters taken into account when allocating points for building seismic resilience:</u></p> <ul style="list-style-type: none"> <li>- <u>The range in points depends on the quality, extent and level of amenity that each solution provides increase in life safety the measures provide.</u></li> <li>- <u>Use of recognised low-damage building design technology</u></li> <li>- <u>Design to a higher Importance</u></li> </ul>

		<p><u>Level than required (e.g. from IL2 to IL3 or IL4).</u></p> <ul style="list-style-type: none"> <li>- <u>The low-damage building design techniques being unobtrusive when viewed from public spaces.</u></li> </ul>
<b>Assisted Housing</b>		
For every 1% of the net floor area in the development that is new assisted housing.	1	<p><u>Note:</u></p> <ul style="list-style-type: none"> <li>- <u>To guarantee any assisted housing remains for at least 25 years, the developer will be required to register encumbrances registered as a first charge on the relevant Records of Title. Titles of the assisted housing will be applied to guarantee they remain assisted housing for at least 25 years.</u></li> </ul>
<b>Urban Design Panel (1-10 points)</b>		
<b>Urban Design Panel Approval</b>	<b>1-10</b>	<b>The range in points depends on the development's response to all the design guides as decided by the Panel.</b>

## Appendix 4 – Analysis of Policy HH-P7 and Heritage Design Guidelines Provided by Victoria Woodbridge for Hearing Stream 3

### PDP Policy HH-P7

Additional, alteration and partial demolition of heritage buildings and structures

Provide for additions and alterations to, and partial demolition of heritage buildings and heritage structures where it can be demonstrated that the work does not detract from the identified heritage values, having regard to:

1. The extent to which the work:
  - a. Supports the heritage building or heritage structure having a sustainable long term use;
  - b. Promotes, enhances, recovers or reveals heritage values;
  - c. Retains the main determinants of the architectural style or design of the heritage building or heritage structure;
  - d. Is compatible with the scale, form, proportion and materials of the heritage building or heritage structure;
  - e. Respects the identified relationship of the heritage building or heritage structure with its setting;
  - f. Enables any adverse effects on identified heritage values to be reversed;
  - g. Minimizes the loss of fabric and craftsmanship;
  - h. Is in accordance with any conservation plan that has been prepared by a suitably qualified heritage professional;
  - i. Increases structural stability, accessibility and means of escape from fire;
  - j. Fulfils the intent of the Heritage Design Guide;
2. The visibility of the work from street frontages;
3. Whether the works would lead to cumulative adverse effects on identified heritage values;
4. Whether there has been any change in circumstances since scheduling in the District Plan, including damage from natural disaster;
5. Any advice that has been obtained from a suitably qualified heritage professional including Heritage New Zealand Pouhere Taonga; and
6. The identified heritage values of the heritage area, where located within a heritage area

Design Guideline	Policy Clause
<b>Land</b>	
<b>G1.</b> Ensure new development celebrates and maintains the natural heritage of importance to mana whenua including those scheduled in the Sites and Areas of Significance to Māori.	Clause – 1(e) but strengthened through recommended addition to policy. SASM policies would apply in addition.
<b>G2.</b> Consider natural landscapes that contribute to the values of archaeological sites and heritage areas, buildings and structures.	Clause – 1(e)
<b>Water</b>	
<b>G3.</b> Ensure new development celebrates and maintains the significance of wai for Sites and Areas of Significance to Māori	SASM policies.

<p><b>G4.</b> Consider the connection between heritage buildings, heritage structures and heritage areas with water, where water has been identified as contributing to the values of the place.</p>	<p>Clause – 1(e) but strengthened through recommended addition to policy. SASM policies would apply in addition.</p>
<p><b>G5.</b> Ensure that works to maintain or repair heritage places do not contribute to the contamination of waterways.</p>	<p>It is unclear what a heritage place is, however, this matter should relate to all maintenance and repair works. Contamination of waterways is a regional matter which is addressed through the Greater Wellington Regional Policy Statement.</p>
<p><b>Urban Structure</b></p>	
<p><b>G6.</b> When designing new developments, carefully consider viewshafts to maunga, awa and other parts of the whenua that are important to mana whenua.</p>	<p>Relates to Viewshaft Chapter</p>
<p><b>G7.</b> New development on the sites of heritage buildings, heritage structures and within heritage areas should consider the setting of the site, area, building or structure. Defining and valued patterns can be determined by analysing the setting for the development, and by referring to the Wellington Heritage Inventory report for the heritage area.</p>	<p>Clauses - 1(e) and 6</p>
<p><b>G8.</b> Carefully consider the compositional relationship between new developments and heritage buildings, and between new developments and the defining or valued pattern of heritage areas. Carefully consider:</p> <ul style="list-style-type: none"> <li>• The siting and alignment of new buildings.</li> <li>• The alignment of front façades on new buildings.</li> <li>• The alignment of key horizontal elevational elements of new buildings or additions to existing buildings - including roofs, cornices, parapets, verandahs and floor lines</li> </ul>	<p>Clause – 1(e)</p>
<p><b>G9.</b> Consideration should also be given to consistent:</p> <ul style="list-style-type: none"> <li>• Proportions of forms and openings;</li> <li>• Visual rhythm of frontage widths or openings;</li> <li>• Levels of complexity of form and material, including the amount of shadow-casting three-dimensional detail;</li> <li>• Colour; and</li> <li>• Materials and constructional quality.</li> </ul>	<p>Clauses - 1(c), (g) and (h)</p>
<p><b>G10.</b> Contrast is discouraged where it:</p> <ul style="list-style-type: none"> <li>• creates a focus for attention on the new development; and</li> </ul>	<p>Clauses – 1(c) and (d), 2 and 6</p>

<ul style="list-style-type: none"> <li>• reduces the appreciation of architectural or landmark values; or</li> <li>• degrades townscape values of a collective group of buildings, or the townscape values of the heritage site, area, building or structure.</li> <li>• also consideration can be given to the alignment of floor levels and window heads and sills.</li> </ul>	
<p><b>G11.</b> Consider the dimensional relationship between new developments and heritage buildings, and between new developments and the defining or valued pattern of heritage areas, including:</p> <ul style="list-style-type: none"> <li>• Overall building heights.</li> <li>• Proportions and heights of secondary forms on a larger building with the primary forms on the smaller.</li> <li>• Widths of frontage modules.</li> <li>• Overall building widths</li> </ul>	Clauses – 1(c) and (d)
<p><b>G12.</b> When new development is significantly higher than heritage buildings and areas, moderate the height of the new building at the street edge to achieve a scale transition.</p>	Clauses – 1(c) and (d), 2, 3 and 6
<p><b>G13.</b> Consider the values of roofscapes, rooflines and skylines when viewed from public places.</p>	Clauses – 1(c) and (d)
<b>Fronting the street</b>	
<p><b>G14.</b> New buildings in heritage areas should not reproduce or replicate the appearance of existing façades.</p>	N/A
<p><b>G15.</b> Retaining and restoring significant heritage shopfronts on heritage buildings and in heritage areas is encouraged.</p>	Clauses – 1(c) and 2
<p><b>G16.</b> Restore or reconstruct shopfronts where there is evidence of original form, detailing and materials. Further non-statutory guidance is available in “Heritage shop fronts: A guide to maintaining and enhancing Wellington’s historic shops”</p>	Clause – 1(f) and (h)
<p><b>G17.</b> Verandahs should only be added to heritage buildings where there is sufficient evidence to reconstruct an original, early or significant verandah or display window. The construction of new verandahs and display windows in locations where there is no historic precedent is discouraged.</p>	Clause - 1(c)
<p><b>G18.</b> Consider retaining existing historic signs on heritage buildings and in heritage areas.</p>	Clause – 1(g)

<p><b>G19.</b> Seek to place signage in traditional locations such as:</p> <ul style="list-style-type: none"> <li>• On or below the parapet.</li> <li>• Within the extent of the verandah fascia and not to extend above or below the line of the fascia.</li> <li>• Under verandahs where there is minimum clearance to the footpath and from the kerb. Under-verandah signs should align with the entrance door of the relevant business or tenancy.</li> <li>• On the blank side or “party” walls of a building.</li> </ul>	N/A covered by SIGN-P3
<p><b>G20.</b> Locate new signs on heritage buildings and in heritage areas below parapet level and below the highest parts of the building.</p>	
<p><b>G21.</b> Use traditional signage techniques and follow historic precedents for signs on heritage buildings, heritage structures and in heritage areas.</p>	
<p><b>G22.</b> Illuminated and digital signs should be carefully considered. If signs are to be lit, it is recommended that they are illuminated by external lighting.</p>	
<p><b>G23.</b> Consider the implementation of a signage policy for the building that is written by the building owner with requirements for their tenants. A signage policy may include:</p> <ul style="list-style-type: none"> <li>• A wayfinding strategy to highlight the connections between spaces across the site.</li> <li>• Requirements to group names onto a single sign, rather than installing separate signs for each individual tenant.</li> <li>• Limitations on the number of signs per tenant.</li> <li>• Restrictions on the location, materials, graphics, colours and dimensions of tenant signs.</li> <li>• Requirements for all lightboxes suspended under the verandah to be of a standard design and standard levels of illumination.</li> <li>• Agreed locations, design and dimensions for tenant signs.</li> </ul>	
<p><b>G24.</b> Plaques outlining place-based histories should celebrate and/or acknowledge the histories of both Te Tiriti o Waitangi partners.</p>	
<p><b>G25.</b> Consider the use of creative hoardings to reduce the visual impact of construction sites.</p>	N/A
<p><b>The site</b></p>	
<p><b>G26.</b> New development should seek to enhance the quality of the settings of heritage</p>	Clause – 1(e)

buildings and heritage structures, including those in heritage areas.	
<b>Open Spaces</b>	
<b>G27.</b> Acknowledge and maintain open spaces that are important to mana whenua, particularly those co-located with or alongside sites of significance.	Clause – 1(e) but strengthened through recommended addition to policy.
<b>G28.</b> Consider the contribution of open spaces to the values of heritage areas.	Clause – 1(e)
<b>Placing the building</b>	
<b>G29.</b> The retention of heritage buildings, heritage structures, and contributing buildings in heritage areas and/or in their existing or original locations is encouraged.	Clauses – 1(a), (b), (c), (e) and (g)
<b>G30.</b> Where relocation of buildings or structures is appropriate to ensure their retention, or has previously occurred, the item should also be maintained, repaired and returned into a sustainable ongoing use.	N/A
<b>Sustainability</b>	
<b>G31.</b> Consider effects on heritage fabric by: <ul style="list-style-type: none"> <li>• undertaking conservation works with consultation, engagement and in partnership with mana whenua.</li> <li>• understanding the heritage value of the place through research, investigation, recording and documentation.</li> <li>• planning and carrying out maintenance and repair in accordance with conservation principles.</li> <li>• retaining fabric which contributes to the significance, character or appearance of heritage sites, areas, buildings and structures.</li> <li>• The preparation and implementation of a Conservation Plan as the guiding document for the conservation, care and management of scheduled historic heritage is encouraged. For more information on conservation plans, refer to James Semple Kerr's The Conservation Plan, 7th Edition.</li> </ul>	Clauses – 1 (b), (g) and (h)
<b>G32.</b> Facilitate the adaptive reuse of buildings by providing for modifications that maintain heritage values.	Clause – 1(a)
<b>G33.</b> Consider the retention of existing lightwells and atria at heritage buildings and in heritage areas.	Clause – 1(c) and (g)
<b>G34.</b> Install solar panels and other items that are fixed to the roof so that they align with the profile of the roof.	Clause – 1(d)

<p><b>G35.</b> Design, site and install ancillary fixtures and utilities in ways that achieves the following for heritage buildings and contributing buildings in heritage areas:</p> <ul style="list-style-type: none"> <li>• Maintain weathertightness, including by: <ul style="list-style-type: none"> <li>– Minimising penetrations through or damage to elements that contribute to the watertightness of a building or structure.</li> <li>– Ensuring that all penetrations are well sealed.</li> <li>– Restricting the use of horizontal conduit to locations that are sheltered from the weather.</li> </ul> </li> <li>• Minimise physical impacts by: <ul style="list-style-type: none"> <li>– Selecting locations where there are low heritage values, or no heritage fabric.</li> <li>– Minimising the size and number of new penetrations through heritage fabric. – Installing new penetrations through mortar joints, rather than through brick or stone.</li> <li>– Ensuring that the work is reversible and that all elements can be removed without further damage to heritage fabric.</li> </ul> </li> <li>• Minimise visual impacts by: <ul style="list-style-type: none"> <li>– Locating ancillary fixtures and utilities where they cannot be seen when viewed from public spaces, and do not impact the main entrance or street façade unless there is no feasible alternative.</li> <li>– Removing obsolete fixtures and utilities where these do not contribute to the heritage values of the place.</li> <li>– Installing new fixtures and utilities including conduit, wiring or pipework in underground locations or within the building or structure unless there is no feasible alternative.</li> <li>– Locating all other fixtures and utilities including conduit, wiring or pipework so that it does not obscure architectural features including windows, doors and ornamentation unless there is no feasible alternative.</li> <li>– Minimising the visibility of fixtures and utilities including conduit, wiring or pipework by the use of colour, and locating these items in shaded areas or in areas of low relief.</li> </ul> </li> </ul>	<p>Clauses – 1(a), (c), (d), (g) and 2</p>
<p><b>Built form</b></p>	
<p><b>G36.</b> Where development is taking place near a site of significance for mana whenua where heritage is unseen, new development should reference this heritage through its built form.</p>	<p>Clause – 1(e) but strengthened through recommended addition to policy.</p>
<p><b>G37.</b> Facadism is discouraged for heritage buildings and within heritage areas where the development leads to the loss of heritage values and the removal of heritage fabric. For adaptive reuse of heritage buildings, it is important that the original built form, internal</p>	<p>Clauses – 1(a), (c) and (g) and 2</p>

depth and layout is understood and reflected in the new design.	
<b>Resilience</b>	
<b>G38.</b> Where structural strengthening to secure parapets is required, consider systems that: <ul style="list-style-type: none"> <li>• will not be visible from public spaces.</li> <li>• do not obstruct gutters and rainwater systems.</li> <li>• minimise penetrations through elements that contribute to the watertightness of a building.</li> </ul>	Clauses – 1(a), (c) and (g) and 2
<b>G39.</b> Where structural strengthening is required that may be visible from the exterior of the building, consider the use of structural systems that: <ul style="list-style-type: none"> <li>• Do not obscure shop display windows</li> <li>• Do not restrict access to daylight or ventilation</li> <li>• Are not located immediately behind window and door openings, particularly for elements such as shear walls.</li> <li>• Allow access for cleaning, maintenance and repair of heritage fabric.</li> </ul>	Clauses – 1(c) and (i) and 2
<b>G40.</b> The installation of exoskeletons, external columns, and external bracing elements is discouraged, particularly where these would: <ul style="list-style-type: none"> <li>• Be highly visible from public places.</li> <li>• Obscure or remove the main determinants of architectural style.</li> <li>• Be visually dominant in relation to the scale, form, proportions or materials of the existing building or structure.</li> <li>• Restrict access for cleaning, maintenance and repair of heritage fabric.</li> <li>• Compromise the watertightness of a building</li> </ul>	Clauses – 1(c), (d) and (i) and 2
<b>External Appearance</b>	
<b>G41.</b> Restoration and reconstruction of missing elements on heritage buildings and in heritage areas is encouraged, where there is evidence of original form, detailing or materials.	Clauses – 1(b) and (f)
<b>G42.</b> The installation of replica chimneys where original or significant chimneys have been removed is encouraged.	Clauses – 1(d) and (i) and 2
<b>Interiors</b>	
<b>G43.</b> Consider opportunities to engage with mana whenua when designing interior spaces of significant developments on or near sites of significance to Māori.	Recommended addition



**Appendix 5 – City Centre Zone Policy CCZ-P9 and Centres Design Guidelines** (based on s42A amended Policy CCZ-P9)

**PDP Policy CCZ-P9 - Quality design outcomes**

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 City Centre Zone by:

1. Fulfilling the intent of the Centres and Mixed Use Design Guide:
2. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:
  - a. Reflects the nature and scale of the development enabled within the zone and responds to the evolving, more intensive identity of the neighbourhood;
  - b. Optimises the development capacity of the land, including sites that are large, narrow, vacant or ground level parking areas.
  - c. Provides for the increased levels of residential accommodation anticipated; and
  - d. Provides for a range of supporting business, open space and community facilities;
  - e. Is accessible for emergency service vehicles; and
3. Ensuring that development, where relevant:
  - a. Responds to the site context, particularly where it is located adjacent to:
    - i. A scheduled site of significance to Māori;
    - ii. A heritage building, heritage structure or heritage area;
    - iii. An identified character precinct;
    - iv. A listed public space;
    - v. Residential zones;
    - vi. Open space zones; and
    - vii. The Waterfront Zone;
  - b. Responds to the pedestrian scale of narrower streets;
  - c. Responds to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings;
  - d. Provides a safe and comfortable pedestrian environment;
  - e. Enhances the quality of the streetscape and the private/public interface;
  - f. Integrates with existing and planned active and public transport activity movement networks, including planned rapid transit stops; and
  - g. Allows sufficient flexibility for ground floor space to be converted to a range of activities, including residential along streets that are not subject to active frontage and/or verandah coverage requirements.

Design Guideline	Policy Clause
<p><b>Responding to Context</b></p> <p>Design Outcome:</p> <p>01. New development responds to the unique valued characteristics within the surrounding environment.</p>	<p>Policy Chapeau and clauses 2(a), 3(a)</p> <p>Policy CCZ-P8</p>

<p>G1</p> <p>Identify and respond to the unique valued characteristics of the natural, built, and cultural environment within the site and the surrounding environment.</p>	<p>Policy Chapeau and clauses 2(a), 3(a) Policies CCZ-P7 and CCZ-P8</p>
<p><b>Responding to the natural environment in an urban context</b> <b>Design Outcomes:</b></p>	
<p>02. New development acknowledges the natural environment as part of creating a sustainable and resilient built environment that responds to the topography, vegetation and ecosystems of the site and its surroundings, within the context of the planned urban environment.</p>	
<p>03. Methods to maintain or enhance the mauri (the health and wellbeing) of waiora (water), where required, are integrated into the overall design of the development in a manner that provides for the amenity of the living environment.</p>	<p>Clause 3(a)(i) (a scheduled site of significance to Māori)? Policy CCZ-P8 (noting this policy relates only to CCZ)</p>
<p><b>Designing with topography</b></p>	
<p>G2</p> <p>Integrate retaining walls into the design in a manner that enables buildings to better address and activate the street.</p>	<p>Clause 3(e) Policy CCZ-P8 (noting this policy relates only to CCZ&amp; WFZ)</p>
<p>G3</p> <p>Where retaining walls or exposed building foundations are necessary, provide a design response that takes into account their visibility and composition.</p>	<p>Clause 3(e) Policy CCZ-P8 (noting this policy relates only to CCZ &amp; WFZ)</p>
<p><b>Vegetation and planting</b></p>	
<p>G4</p> <p>When planning for planting as part of new development:</p> <ol style="list-style-type: none"> <li>1. Incorporate species that are appropriate to their location and of a suitable mature scale in relation to the scale of surrounding buildings;</li> <li>2. Locate planting where this would enhance the streetscape;</li> </ol>	

<ol style="list-style-type: none"> <li>3. Locate planting to integrate buildings into the planned urban context;</li> <li>4. Locate planting to assist with privacy within the site and on surrounding sites;</li> <li>5. Select planting to contribute to local biodiversity;</li> <li>6. Utilise trees to provide summer shade and allow for winter sun;</li> <li>7. Integrate existing established trees into the planning for planting, where they are of good quality, will contribute to achieving positive amenity outcomes, and are consistent with the development outcome for the site.</li> </ol>	
<b>Designing with water</b>	
<p>G5</p> <p>Configure any required on-site water sensitive design methods, methods for achieving hydraulic neutrality, and water conservation methods into the overall design in an integrated manner.</p>	
<b>Effective public-private interface</b> <b>Design Outcomes:</b>	
<p>04. New development is configured and designed to contribute positively to the visual quality, spatial definition, amenity, and safety of adjacent streets and the public realm.</p>	<p>Clauses 2(a), 3(d) and 3(e)</p>
<p>05. The layout of new development (including blocks, streets and open space) integrates with the surrounding neighbourhood.</p>	<p>Policy chapeau, clauses 2(a), 3(a)</p>
<p>06. Mana whenua sites of significance are acknowledged and celebrated.</p>	<p>Clause 3(a)(i)</p>
<p>G6</p> <p>Orientate buildings to face the street</p>	<p>Clause 3(e)</p>
<p>G7</p> <p>Design the ground floor of buildings where they front a street or publicly accessible open space to facilitate the extension of activities within the building into that adjacent space.</p>	<p>Clause 3(e)?</p>
<p>G8</p>	<p>Clauses 3(b), 3(d) and 3(e)</p>

<p>Along active frontages, where the finished floor level is higher than the adjacent street level, design the frontage to provide for the change in level in a manner that:</p> <ol style="list-style-type: none"> <li>1. integrates the means of accommodating the level change with the design of the building, its internal layout, and the adjacent street environment;</li> <li>2. does not detract from the quality or accessibility of the adjacent pedestrian environment;</li> <li>3. considers the need to provide accessible entry to the building.</li> </ol>	
<p>G9</p> <p>Provide a sense of human scale at the occupiable edges of buildings</p>	
<p>G10</p> <p>Design physical security measures such as bollards, gates, security grilles or roller shutter doors to be unobtrusive and aesthetically integrated parts of shop and building frontages.</p>	<p>CPTED – not really covered in policy other than at a high level in policy chapeau in relation to well-functioning environments.</p>
<p><b>Passive Surveillance</b></p>	
<p>G11</p> <p>Provide for passive surveillance through visual connections between the building interior and adjacent public spaces.</p>	<p>CPTED – not really covered in policy other than at a high level in policy chapeau in relation to well-functioning environments.</p>
<p><b>Entrances</b></p>	
<p>G12</p> <p>Locate and design main building entrances to be visible from the street and incorporate shelter.</p>	<p>Accessibility – not really covered in policies</p>
<p>G13</p> <p>When designing entrances and communal circulation spaces within the building, consider access for a range of different building users.</p>	<p>Accessibility – not really covered in policies</p>
<p><b>Sites of significance to mana whenua</b></p>	
<p>G14</p> <p>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.</p>	<p>Policy CCZ-P7 &amp; CCZ-P8 – these only appear to apply to the City Centre Zone &amp; Waterfront Zone so other centre zones would rely on clause 3(a)(i)</p>

<b>Well-functioning sites</b>	
<b>Design outcomes:</b>	
07. New development maintains or enhances the walkability and permeability of the pedestrian network.	Clauses 3(b), 3(d), 3(e) and 3(f)
08. New development provides for safe and convenient cycle and pedestrian movement and access.	
09. Vehicle access, garage doors and car parking do not dominate the streetscape.	
010. Open spaces are designed and located to provide amenity and be accessible, safe and easily maintained.	Open space provision is not really covered in policies other than at a high level in policy chapeau in relation to well-functioning environment and clause 2(d) where 'provide for open spaces' is required.
011. Servicing is provided for in a manner that integrates with the site and minimises adverse effects on the surrounding streetscape and neighbours.	Servicing is not really covered in policies other than at a high level in policy chapeau in relation to well-functioning environment
<b>Connections for people</b>	
G15. Create pedestrian paths through larger sites where this is safe and will enhance local pedestrian connectivity.	Clause 3(d)
G16 Design pedestrian access through and within the site to be safe, by: <ol style="list-style-type: none"> <li>1. providing for pedestrian paths, communal outdoor living spaces and communal vehicle access and parking areas to be overlooked;</li> <li>2. providing pedestrian paths that are direct and maintain clear sightlines;</li> <li>3. providing for pedestrian pathways to be well lit;</li> <li>4. where practicable, providing alternative pedestrian paths through the site and multiple exit points from communal spaces within the site;</li> </ol> minimising the creation of hiding places and entrapment spaces.	Clause 3(d) but could be strengthened with greater reference to CEPTD principles
<b>Vehicle access and parking</b>	
G17.	

Locate and design on-site car parking and loading areas so that they are not visually dominant elements at the street edge.	
G18. Ensure that dedicated pedestrian paths are physically distinguished from vehicle parking and manoeuvring areas.	Clause 3(d)
G19. Plant trees to break areas of open/at grade car parking into smaller groupings to provide visual relief from car-dominated spaces.	Policy chapeau
G20. Locate and design vehicle access and parking areas to minimise privacy and other nuisance effects on the outdoor living spaces and habitable spaces of adjacent residential units.	
G21. Integrate on-site loading areas (and associated circulation and manoeuvring areas) into the design of the development in a manner that mitigates potential adverse impacts on the functionality and amenity of the street.	
<b>Cycle parking</b>	
G22 When providing cycle parking, consider: <ol style="list-style-type: none"> <li>1. the needs of different sizes and types of bicycle, including e-bikes and cargo bikes;</li> <li>2. security and access control;</li> <li>3. providing adequate end of trip facilities such as changing rooms, showers and lockers.</li> </ol>	
<b>Communal open space and communal outdoor living space</b>	
G23. Where communal open space is provided: <ol style="list-style-type: none"> <li>1. locate and orientate the space to benefit from available sunlight;</li> <li>2. provide flat open space, or where level changes are required, integrate these into the design of the open space;</li> <li>3. design the space so that it is accessible to people with disabilities;</li> </ol>	Nothing in the policies about communal open space.

<ol style="list-style-type: none"> <li>4. ensure that it is overlooked by surrounding buildings and has multiple exists;</li> <li>5. incorporate trees and / or planting into the design of the space;</li> <li>6. incorporate shelter and shading into the design of the space;</li> <li>7. incorporate features that facilitate social interaction and also allow for private occupation.</li> </ol>	
<p>G24</p> <p>In addition to the above, where communal outdoor living space is provided for residential activities:</p> <ol style="list-style-type: none"> <li>1. size the space so that it is proportionate to the number of residential units that it serves;</li> <li>2. locate the space so that it is conveniently accessible to the residential units on site;</li> <li>3. in developments with apartments where children are likely to live, incorporate opportunities for play into the space</li> </ol>	<p>For residential activities only – covered by Policy CCZ-P10</p>
<b>Private outdoor living space and balconies (residential activities only)</b>	
<p>G25.</p> <p>Locate private outdoor living space to optimise access to available sunlight.</p>	<p>Policy CCZ-P10</p>
<p>G26</p> <p>Where outdoor living space is provided in the form of a balcony, locate and design these to:</p> <ol style="list-style-type: none"> <li>1. access available sunlight;</li> <li>2. provide for privacy between residential units;</li> <li>3. overlook streets, public open spaces, or communal outdoor living spaces; and</li> <li>4. be an aesthetically integrated part of the building composition.</li> </ol>	
<p>G27</p> <p>Where permanent fixtures are located on balconies (such as heat pumps and clothes lines) design and locate them to:</p> <ol style="list-style-type: none"> <li>1. maintain the functionality and potential to occupy the balcony;</li> </ol>	

2. to be visually unobtrusive when viewed from the street or other public or communal open spaces.	
<b>Lighting</b>	
<p>G28</p> <p>Provide appropriate lighting for safety and way-finding to building entrances, pedestrian paths, communal open spaces and communal outdoor living spaces, bicycle and micro mobility parking, waste storage and collection areas, service areas, onsite vehicle access routes and car parking areas.</p>	<p>CEPTD principles – not well covered in policy other than at a high level in relation to policy chapeau</p>
<b>Waste storage and collection</b>	
<p>G29</p> <p>When designing waste storage areas, consider:</p> <ol style="list-style-type: none"> <li>1. the size of space necessary to service the number, type and size of receptacles;</li> <li>2. arranging the area to facilitate the separation of waste, recycling and organic material, including by people with disabilities;</li> <li>3. locating the area so that it is conveniently accessible to the residential units that it serves;</li> <li>4. locating and/or screening the area so that it does not adversely impact on the functionality and amenity of the street, public spaces, communal outdoor living spaces and private outdoor living spaces;</li> <li>5. locating and/or screening the area so that it is visually unobtrusive;</li> <li>6. locating and/or ventilating the area to avoid odours adversely impacting on residential units;</li> <li>7. lighting, security, maintenance and wash-down requirements.</li> </ol>	
<p>G30</p> <p>Facilitate the safe and efficient collection of waste, recycling and organic waste material by:</p> <ol style="list-style-type: none"> <li>1. designing and locating areas for waste collection so that they can be conveniently accessed by those undertaking waste collection;</li> <li>2. designing and locating areas for waste collection so that they do not obstruct pedestrian paths and vehicle accessways</li> </ol>	
<b>Service elements</b>	
<p>G31</p> <p>Integrate external service elements into the design of the site so that:</p>	

<p>1. they are discreetly located or screened where they may be visible from a public space;</p> <p>2. they do not dominate site or building entrances;</p> <p>3. they do not compromise the usable area of communal or private outdoor living spaces</p> <p>4. building services elements are a visually integrated of the architectural composition.</p>	
<p><b>High quality buildings</b>  <b>Design Outcomes:</b></p>	
<p>012 – buildings are coherently designed and achieve the relevant design outcomes in an integrated manner.</p>	<p>These outcomes are covered at a high level by the policy chapeau and also the chapeau for clause 2. However, they could be more clearly articulated in the policy in relation to design features and materials, future adaptability and accessibility and quality of internal environments.</p>
<p>013 - Buildings are well designed, safe and provide good amenity for inhabitants and utilise materials and details that will age well over time.</p>	
<p>014 - Parts of buildings that rise conspicuously above those around them demonstrate visual interest and architectural coherence when viewed from the surrounding urban environment.</p>	
<p>015 - Development contributes to an urban environment that can be accessed, used and enjoyed by a range of people, regardless of any disability or stage in life.</p>	
<p>016 - Buildings are designed to support energy efficiency and reduction in building-related carbon emissions.</p>	
<p>017 - Internal environments provide healthy, comfortable, convenient, functional and attractive places for their occupants.</p>	
<p>018 - Buildings are designed to facilitate multiple uses and changes in use over time.</p>	
<p>G32. Design new buildings to respond to valued patterns within the local built environment.</p>	<p>Clause 2(a)</p>
<p>G33 Design and compose buildings to achieve an overall coherence that integrates all the relevant design guidance in a coordinated way.</p>	
<p>G34 Design buildings to achieve a considered and complementary relationship between new buildings or parts of buildings and adjacent heritage buildings.</p>	<p>Clause 2(a)(ii)</p>
<p>G35 Design elevations to provide visual interest and display articulation of form in a way that responds to the locations and distances from which they are visible.</p>	<p>Policy chapeau</p>
<p>G36</p>	

Integrate the top of the building as a coherent part of the overall building composition.	
G37 Integrate any required measures to manage wind effects as coherent parts of the overall building form and composition.	WIND-P1 covers this generally but not specifically in relation to the overall building form and composition.
G38 Use physically robust, readily maintained materials and details in areas anticipated to have high wear, damage or vandalism.	
<b>Adaptability</b>	
G39 Design new buildings to facilitate adaptation to new uses in the future.	
<b>Adaptive reuse</b>	
G40 Consider the adaptive reuse of existing buildings.	
<b>Compatibility of uses</b>	
G41 (residential only) Where mixed-use development includes residential activities, consider: 1. Separate or clearly defined access for residential and non-residential uses; 2. Separation of residential uses from potential sources of noise (recognising that residential activities within centres should expect to be subject to greater levels of noise); 3. Separation of residential uses from potential sources of odour; 4. Clearly defined servicing arrangements for residential and non-residential uses.	Policy CCZ-P10 but not wholly
G42 Locate and design windows and landscaping to provide for reasonable internal privacy to residential units on site and neighbouring residential units.	
<b>Accessibility</b>	
G43 Consider opportunities to incorporate accessible residential units into housing developments.	
<b>Residential amenity (only for residential activities)</b>	
G44 Locate and design living areas within residential units to receive winter sunlight.	Covered by CCZ-P10
G45 Where practicable, avoid single-aspect south-facing residential units.	

<p>G46 For apartment developments, consider providing opportunities to support communal internal amenity and facilitate social interaction and cultural practices.</p>	
<p>G47 Consider the need to provide an appropriate level of interior storage for each residential unit, based on its anticipated occupancy.</p>	