

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

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Wellington City District Plan

**ISPP Wrap-up Hearing – Subdivision Design Guide Review Right of Reply of
Anna Stevens and Hannah van Haren-Giles on behalf of Wellington City
Council**

Date: 20 October 2023

INTRODUCTION:

Anna Stevens

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

2 I have prepared this reply in respect of the matters raised during the ISPP Wrap-up hearing and in [Minute 36: Follow-up Directions – IPI Wrap-up Hearing](#).

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

4 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Hearings Panel (IHP) hearing.

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

Hannah van Haren-Giles

6 My full name is Hannah Jane van Haren-Giles. I am employed as a Senior Planning Advisor in the District Planning Team at Wellington City Council (the Council).

7 I have prepared this reply in respect of the matters raised in [Minute 36: Follow-up Directions – IPI Wrap-up Hearing in respect to the Subdivision Design Guide and Subdivision Chapter](#).

- 8 My [Section 42A report](#) sets out my qualifications and experience as an expert in planning.
- 9 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Hearings Panel (IHP) hearing.
- 10 Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

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SCOPE OF REPLY

- 11 This reply follows the ISPP Wrap-up hearing held from 19 September 2023 to 21 September 2023.
- 12 [Minute 36](#) requested that Council review the contents of the Subdivision Design Guide (SDG) given the review of the Residential Design Guide (RDG) and Centres and Mixed Use Design Guide (CMUDG). The Minute requires this response by 20 October 2023.
- 13 The panel directed that the SDG is subject to further work by the Council under the auspices of the urban designers' group, with further conferencing if required. Given the specialist nature of the topic, the Panel consider this review may benefit from the input of an experienced person in the Council's subdivision consenting team, such as a surveyor.
- 14 The Panel also seek clarification about the alignment between the intended application of the Subdivision Design Guide and the rules that trigger the application of the Subdivision Design Guide.
- 15 The Reply includes:
- A summary of the methodology used as part of the review of the SDG as directed by Minute 36;
 - Identification of the urban design parties involved within the review of the SDG;
 - Clarity on the intent of the SDG and its relationship with the Subdivision Chapter policy and rule frameworks;
 - A summary of the changes made and reasons why the SDG is proposed to be deleted; and
 - A S32AA analysis evaluating the preferred alternative to the SDG.

Scope of the review

- 16 The Subdivision Design Guide (SDG) was reviewed and revised alongside other Design Guides as part of the ISPP Wrap up Hearing and was appended to the Part 2 – Design Guides S42A Report¹ through the Boffa Miskell Design Guides Review Report². The extent of this review and revision was the guide’s structure and elements in common with the RDG/CMUDG and the limited matters raised in submissions. The review was a result of directions from the IHP as per paragraphs 8 and 9 of [Minute 24](#).
- 17 Following the Wrap up Hearing, the IHP issued [Minute 36](#) requesting further review of the revised SDG and sought clarification on the alignment between the intended application of the SDG and the rules that trigger the application of the SDG.
- 18 As set out at paragraph 4 of Minute 36 *“Kāinga Ora submitted that the relief sought in its primary submission, to either delete or review the Design Guides in their entirety, provides the scope to review the substance of the Subdivision Design Guide more fully.”*
- 19 This has formed the basis of our review, with the scope and purpose of this review being to:
- a. Review the contents of the revised SDG; and

¹ Wellington City Proposed District Plan, ISPP Wrap-up hearing, [Section 42A Report – Part 2 – Design Guides](#), 2023

² Boffa Miskell, [Proposed Wellington City District Plan Design Guides Review, 18 August 2023](#), Appendix 4: Revised Subdivision Design Guide

b. Review the triggers for the application of the SDG.

20 Our review has looked at each guideline within the revised SDG and assessed whether that guideline is consistent with the RDG/CMUDG and/or duplicative of guidelines or directives already present in PDP provisions – whether that be in policy, rules, standards or existing linkages to the RDG/CMUDG.

21 This assessment is set out Appendix B.

Parties involved in the SDG review

22 As per Minute 36 the Panel directed that the SDG be subject to further work by the Council under the auspices of the urban designers' group, with further conferencing if required. The Panel also considered this review may benefit from the input of an experienced person in the Council's subdivision consenting team, such as a surveyor.

23 Of the submitters involved in the urban design expert conferencing of the RDG and CMUDG and who signed the Joint Witness Statement, only Kāinga Ora (submitter 391) sought to be a party to the review of the SDG through urban design expert Nick Rae.

24 Input into the review of the SDG was undertaken by Anna Stevens (as s42A reporting officer for the Design Guides in the ISPP Wrap up Hearing), Hannah van Haren-Giles (as s42A reporting officer for the Subdivision chapter), Sarah Duffel (WCC Urban Designer who provided expert evidence for ISPP Wrap up Hearing) and WCC staff including from the Urban Design Team, Consents Team, and Earthworks and Subdivision Certification Team.

25 Mr Andrew Banks, Boffa Miskell, also advised on matters to do with the expert conferencing on the RDG and guidance points within the revised RDG.

Intent and application of the SDG

- 26 This section of the Right of Reply (RoR) seeks to 'set the scene' on the intent and application of the SDG as it was in the notified PDP, ISPP Wrap-up Hearing/SUB chapter RoR, and as is being proposed in this RoR.
- 27 Table 3 below, further sets out the evolution of the intent and application of the SDG throughout various stages of the hearings process.

Notified PDP

- 28 The intent statement in the Introduction of the SDG as notified was:
- This Guide applies to new 'greenfield' subdivision, as well as subdivisions within the existing urban footprint, on either 'infill' sites (undeveloped land within the existing urban footprint) or 'brownfield' sites (previously developed land). This Guide does not apply to Controlled Activity subdivisions. It is intended to be mainly applied to greenfield subdivision and subdivision providing over 20 lots. However, Council retains flexibility in its determination of where the specific guidelines may be relevant and applicable to any subdivision. It is not intended to apply to Controlled Activity subdivisions.*
- 29 In the notified Subdivision chapter there are two hooks in the rule framework that linked to the SDG - the RDA rule for boundary adjustments (SUB-R3.3) and the RDA rule for subdivision that creates vacant allotments in the General Rural Zone, the Large Lot Residential Zone or the Future Urban Zone (SUB-R5.2).

Design Guide s42A Report – 22 August 2023

- 30 As part of the Design Guide review (ISPP Wrap up Hearing) the intent statement of the revised SDG was amended to:

The intent of the Subdivision Use Design Guide is to facilitate well-designed subdivision of greenfield land and subdivision provided over 20 allotments.

- 31 As set out in Section 15 (paragraphs 204-212) of the [Design Guides s42A Report](#), it was recommended that references to the requirements of the Design Guides be removed from rules, and that Design Guides be included in policy on the basis that the matters of discretion also require consideration of the relevant policies.

- 32 Section 4.4.1 of the [Boffa Miskell report](#) discusses the notified PDP policy linkages, identifying that the PDP as notified consistently uses the phrase “fulfils the intent of the [relevant design guide]” when referring to Design Guides in District Plan policies.

- 33 It was signalled in the Design Guide s42A Report³ that consequential amendments as to how the SDG is referenced would be recommended in the Hearing Stream 5 Subdivision Right of Reply.

SUB Chapter Right of Reply – 28 August 2023

- 34 In accordance the recommendations of the Design Guide s42A, Ms van Haren-Giles in her Subdivision chapter RoR⁴, recommended amendments to remove reference to the SDG in the matters of discretion (SUB-R3.3 and SUB-R5.2) and to instead add ‘Fulfil the intent

³ WU-P2-Rec17 of the [Design Guides s42A Report](#)

⁴ Paragraphs 21-26 of the [Subdivision chapter Right of Reply](#)

of the Subdivision Design Guide' to SUB-P3. The intent of this amendment was to provide consistency with how the RDG and CMUDG are triggered in the PDP (through amendments that were made during the hearings and as a result of design guide conferencing).

35 In doing so, the SDG became a matter of control/matter of discretion for all general subdivision rules (SUB-R2, SUB-R3, SUB-R4, and SUB-R5) through existing references to SUB-P3. At the time of the RoR this was considered appropriate because:

- a. It provided consistency with how other Design Guides are referenced in the PDP; and
- b. Was consistent with the notified SDG intent statement – that allowed for flexibility in its determination of where the specific guidelines may be relevant – including 'infill' sites (undeveloped land within the existing urban footprint) or 'brownfield' sites (previously developed land).

36 As detailed in paragraph 23 of the Subdivision RoR, there was scope to broaden the application of the SDG as the submission point of GWRC [351.9] identified that reference to the SDG is currently only in two places in the Subdivision chapter and their relief sought to strengthen reference to the SDG to require consistency with, or appropriate consideration of, its guidelines.

Commentary on intent and application of the SDG

37 At the ISPP Wrap up hearing Mr Rae questioned the intent of the SDG. We note that between the notified PDP and the Section 42A appended ISPP Wrap up Hearing SDG, the intent statement of the SDG became more targeted, while the application in terms of rule triggers was broadened. This change in intent is shown in Table 1 below.

Table 1: SDG intent statements

Notified PDP SDG Intent Statement:	ISPP Wrap-up Hearing revised SDG Intent Statement:
<p><i>This Guide applies to new ‘greenfield’ subdivision, as well as subdivisions within the existing urban footprint, on either ‘infill’ sites (undeveloped land within the existing urban footprint) or ‘brownfield’ sites (previously developed land). This Guide does not apply to Controlled Activity subdivisions. It is intended to be mainly applied to greenfield subdivision and subdivision providing over 20 lots. However, Council retains flexibility in its determination of where the specific guidelines may be relevant and applicable to any subdivision. It is not intended to apply to Controlled Activity subdivisions.</i></p>	<p><i>The intent of the Subdivision Use Design Guide is to facilitate well-designed subdivision of greenfield land and subdivision providing over 20 allotments.</i></p> <p><i>The design outcomes and guidance points contained within this Design Guide set out how development can fulfil this intent.</i></p>

38 This change to the intent statement recommended by Boffa Miskell as part of their review⁵ of the SDG, as directed by [Minute 24](#), reflected the notified PDP rules that had reference to the SDG as a matter of discretion. It also reflected the refined structure of the design guides as an outcome of the review and expert conferencing process, with the recommendation to have clear and targeted intent statements at the beginning of the guides.

Review of the SDG in light of direction in Minute 36

⁵ Boffa Miskell, [Proposed Wellington City District Plan Design Guides Review, 18 August 2023](#), Appendix 4: Revised Subdivision Design Guide

- 39 On the back of direction from the Panel in Minute 36, the following steps were taken in the review of the SDG:
- 39.1 A workshop was undertaken with members of the Council's Urban Design team and Resource Consent team to understand the use and application of the ODP's Subdivision Design Guide, and to land the intended application of the SDG going forward in terms of which types of subdivision activities it applied to given the direction in Minute 36.
- 39.2 A stocktake was undertaken to identify which SDG outcomes and guidance points were similar to those in the notified RDG. This also accounted for any consequential changes that were made to replicated or existing notified RDG guidance points through the review of the RDG. For example, if the guidance point was deleted or amalgamated with other guidance points or had wording amended.
- 39.3 Mr Rae's comments on the revised SDG from Appendix C of his expert statement of evidence⁶ on the ISPP Wrap-up Hearing were reviewed as part of the feedback on the latest version of the SDG included in the ISPP Wrap-up hearing. Mr Rae's comments are included in column H of Appendix B.
- 39.4 The subdivision specific guidance points not covered by the RDG, including the notified version and latest ISPP Wrap-up hearing version of the RDG, were identified.
- 39.5 An assessment was undertaken to identify where, if anywhere, the guidance point matter was addressed by rules

⁶ Wellington City Proposed District Plan, ISPP Wrap-up Hearing, [Submitter evidence – N Rae for Kāinga Ora \(391 & FS81\)](#), 2023

or standards in the PDP i.e. within the Subdivision, Transport, Infrastructure, Three Waters, Dev2, Dev3, GRUZ or LLRZ chapters, and/or if it was addressed in the Land Development Code of Practice. This was undertaken because as noted in Appendix 2 of the Joint Witness Statement⁷ for expert conferencing on the Design Guides review, one of the principals for review (Principle C3) was that the guidance points must avoid overlapping with other regulatory requirements (such as the Building Code, or the provisions in the District Plan).

39.6 Finally, consideration was given to what guidance points remained following this review that were not covered within the PDP already, Land Development Code of Practice or the RDG.

40 Appendix B shows the record of this assessment, and next to each guidance point it is recorded whether the guidance point matter is addressed elsewhere.

41 The assessment found that guidance point matters were largely already addressed within the PDP, Land Development Code of Practice or the RDG (noting that many of the zones have rules connecting to the RDG, or Rural Design Guide).

Outcomes of the review and preferred recommendations on the RDG

42 This section of the report sets out the evolution of options considered following the review of the SDG and its triggers within the PDP.

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

43 On the basis that the assessment found that a lot of matters were largely addressed elsewhere, a possible recommendation of deleting the SDG and relying on existing provisions was considered. We contemplated removal of the SDG for the following reasons:

43.1 Given the changes made to the SDG in the ISPP Wrap-up Hearing S42A were largely structural in nature, to align with structural changes to the RDG and CMUDG, and with content changes only focused on specific guidance changes raised in submissions, the SDG contains identical or similar guidance points to the RDG that were either deleted, combined or edited in the review of the RDG.

43.2 We considered that because a lot of the guidance points were addressed elsewhere, there was no need to have an SDG which repeated these guidance points. This also supported Mr Rae's expressed desire within his expert evidence in the ISPP Wrap-up Hearing to remove duplication within the SDG and overlap with the RDG, and also Ms Duffel's evidence commentary that the SDG might benefit from consolidation in regard to repetition of earthworks matters.

43.3 Application of the revised SDG was considered to be most relevant to greenfield subdivision in Lincolnshire Farm (Development Area 2/ DEV2) and Upper Stebbings and Glenside West (Development Area 3/ DEV3) as well as any potential large scale subdivision in the General Rural Zone (GRUZ). The Development Areas within the PDP (Lincolnshire Farm and Upper Stebbings and Glenside West) already connect to the RDG where there was overlap, noting the intent is for land use and subdivision to work in unison. As such, any scenario where large scale or greenfield subdivision is proposed to occur is already anticipated by provisions in

DEV2 or DEV3 and/or through guidance points in the Rural Design Guide and/or RDG, noting that the PDP encourages joint subdivision and land use consent applications (SUB-P4).

43.4 Any subdivision occurring in DEV2 or DEV3 would trigger the matters of control/discretion in SUB-R3.2, SUB-R3.3, and SUB-R5.2 which include references to DEV2/DEV3 policies and thereby indirectly include the RDG as a matter of control/discretion, at which point many of the guidance points in the SDG are already addressed by guidance points in the amended RDG.

43.5 Likewise, any subdivision that creates a vacant lot in the GRUZ that results in two or more allotments (i.e. non-compliance with SUB-S5) becomes a discretionary activity and therefore urban design can be assessed to any extent. The same applies to any LLRZ subdivision that results in an allotment less than 3500m² (by way of not complying with SUB-S5). Noting as well, that the Rural Design Guide is an existing matter of discretion for boundary adjustments and vacant lot subdivision in the GRUZ (SUB-R3.3 and SUB-R5.2).

43.6 As noted in the SDG under the 'other requirements' section in the introduction, the SDG does not address the range of other requirements that may apply to development, including those set out in the objectives, policies, rules and standards of the District Plan already.

44 This recommendation was put forward to Nick Rae on behalf of Kāinga Ora for review and feedback alongside the assessment of where the guidance points were otherwise addressed.

45 In response, Kāinga Ora advised that they *'support the deletion of the Subdivision [Design] Guide from the Plan, but with an adjustment to the*

SUB policies'. Mr Rae further stated that he 'identified a number of matters in the design guide that were not covered, or could be better addressed in the SUB policies if the guide were to be deleted, particularly relating to vacant lot subdivision. The design of vacant lots should link to the zone outcomes, like the intent of the bundled land use and subdivision for say 4 or more residential units in the residential zones'.

46 Mr Rae noted that a change to SUB-P4 (Integration and layout of subdivision and development) would *'in effect direct you to the objectives and policies in the zone the subdivision is proposed. Then the missing matters are covered in those zones. For example, one issue was to do with safe and well designed streets and open space provision. In the HRZ the objectives and policies address this HRZ-P10. This would work alongside those matters already in SUB-P4'.*

47 Mr Rae also advised that a number of other matters he had raised were covered in other chapters like Earthworks or Transport as set out in our Appendix B spreadsheet.

48 Mr Rae provided an amendment to SUB-R4 (shown in red) (green text indicates SUB Supplementary Planning Evidence dated 25 July 2023 recommended amendments) as follows:

SUB-P4 Integration and layout of subdivision and development

Provide for the efficient integration and layout of subdivision and associated development by:

1. Encouraging joint applications for subdivision and land use;
2. Enabling subdivision around development that has already been lawfully established; ~~and~~
3. Ensuring ~~vacant lotstandalone~~ subdivision proposals provide allotments that can be feasibly developed and are of a size, shape and orientation that achieves the relevant underlying Zone objectives and policies fit for the future intended purpose.; and
4. Ensuring enabled land use outcomes will be able to be achieved following subdivision.

49 In our view this amendment is very similar to the notified wording of SUB-P5 as follows:

50 As such, we recommend that SUB-P4 and SUB-P5 be amended to elevate the matter of ‘ensuring allotments are of a size, shape and orientation that is compatible with the nature, scale and intensity anticipated for the underlying zone objectives and policies’ to apply more broadly to all subdivision rather than just subdivision for residential activities. The amendment to SUB-P4/SUB-P5 is detailed further in the section below.

SUB-P5	Subdivision for residential activities Provide for flexibility, innovation and choice for future development enabled by subdivision for residential activities, while ensuring allotments are of a size, shape and orientation that is compatible with the nature, scale and intensity anticipated for the underlying zone or activity area.
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Final Subdivision Design Guide Recommendations

51 Based on the outcome of the above assessment, our key recommendations are therefore to:

- a. Delete the SDG in its entirety;
- b. Amend SUB-P4 and SUB-P5;
- c. Add a new subdivision policy ‘SUB-PX’ to address specific subdivision design matters, and consequentially renumber the Subdivision Chapter policy numbering in Appendix A and references within the rule framework;
- d. Amend SUB-P3 to reinstate the notified version of SUB-P3;
- e. Amend SUB-R5 matters of control/matters of discretion to reference new SUB-PX; and

- f. Delete references to the SDG in DEV2 and DEV3.

Delete the SDG in its entirety

- 52 For the reasons set out in paragraph 43 above we recommend deleting the SDG in its entirety, and including key subdivision design matters not covered elsewhere into a new subdivision design policy. This new policy is set out below.
- 53 This approach was workshopped and agreed with Council’s urban design team and resource consent team, as well as Kāinga Ora’s urban design and planning advisors.
- 54 The scope to delete the SDG is evident in paragraph 4 of Minute 36 *“Kāinga Ora submitted that the relief sought in its primary submission, to either delete or review the Design Guides in their entirety, provides the scope to review the substance of the Subdivision Design Guide more fully.”*

Amend SUB-P4 and SUB-P5

- 55 We recommend amending SUB-P4 and SUB-P5 as set out below and detailed in Appendix A (purple text showing ISPP RoR recommended amendments and green text showing SUB chapter Supplementary Planning Evidence dated 25 July 2023 recommended amendments). In our view this reflects the amendment sought by Mr Rae but acknowledging that the wording is very similar to notified SUB-P5. Shifting this point from SUB-P5 elevates the matter from only applying

to residential activities to all subdivision more broadly, while adding reference to 'objectives and policies'.

<p>SUB-P4</p>	<p>Integration and layout of subdivision and development</p> <p>Provide for the efficient integration and layout of subdivision and associated development by:</p> <ol style="list-style-type: none"> 1. Encouraging joint applications for subdivision and land <u>use</u>; 2. Enabling subdivision around development that has already been lawfully established; and 3. Ensuring standalone subdivision proposals provide allotments that can be feasibly developed and are fit for the future intended purpose; 4. <u>Ensuring allotments are of a size, shape and orientation that is compatible with the nature, scale and intensity anticipated for the underlying zone or activity area's objectives and policies; and</u> 5. <u>Ensuring enabled land use outcomes will be able to be achieved following subdivision.</u>
<p>SUB-P5</p>	<p>Subdivision for residential activities</p> <p>Provide for flexibility, innovation and choice for future development enabled by subdivision for residential activities; while ensuring allotments are of a size, shape and orientation that is compatible with the nature, scale and intensity anticipated for the underlying zone or activity area.</p>

56 During the course of Hearing Stream 5, Kāinga Ora raised concerns as to the size and shape factor of vacant lot subdivision. At paragraph 21 of the Subdivision Right of Reply, I noted that the revised SDG included the outcome 'Shape lots to be generally compact and regular in shape'. On the basis of deleting the SDG, this 'relief' to Kāinga Ora's concerns is no longer applicable. However, Mr Rae's suggested amendment to SUB-P4 in our view addresses this matter.

Add new SUB-PX with subdivision design matters

57 Upon further review of Subdivision Chapter policies, discussions with Council resource consent and urban design advisors, and the assessment of where guidance points are covered in other parts of the Plan, RDG etc., we considered a handful of discrete design matters needed to be specifically addressed in a new policy in lieu of removing the SDG from

the Plan. Examples being direction on street network structure, rear lots, and crime prevention through environmental design considerations for subdivision activities i.e. passive surveillance through lot orientation.

58 In our view, these discrete subdivision design matters could be captured in the Subdivision Chapter policy framework through a new policy SUB-PX (see Appendix A). Capturing these matters in a policy has provided more certainty that all SDG guidance point matters are now sufficiently addressed through other means i.e. plan provisions or RDG.

59 The new policy captures the matters in the SDG that would not otherwise be able to be applied through the new hook back to the underlying zone objectives and policies in SUB-P4.4 (which enables applications to be assessed against the RDG or the CMUDG).

60 In our view Mr Rae’s suggested amendment to SUB-P4 has broadened SUB-P4 to apply to all vacant allotment subdivision, and therefore we felt that the new subdivision design policy should also apply to all vacant lot subdivision (whether that be greenfield, brownfield or infill).

61 We consider that it is important that these matters are included as policy considerations to give Council’s urban design advisors and consent planners the ability to consider these matters when new vacant lot subdivision applications are received.

62 New draft SUB-PX and the SDG guidelines which each policy clause incorporates are captured in Table 2:

Table 2: Version 1 of new Subdivision chapter policy SUB-PX

Draft New SUB-PX (Subdivision design)	Relevant SDG Guidelines
<u>Subdivision design</u>	N/A

<p><u>Provide for subdivision where it results in allotments that:</u></p>	
<p>1. <u>Are adequately served by public open space that is accessible and useable;</u></p>	<p>Reflects design outcome O4 (Effective public-private interface) and O9 (Well-functioning sites), and guidance point G28 (Connection to neighbouring areas and facilities).</p>
<p>2. <u>Ensuring any contour modification or large retaining structures are minimised to be sympathetic to existing natural ground form and vegetation and landscaped to soften visual impacts;</u></p>	<p>Reflects design outcome O1 (Responding to the natural environment) and guidance points G13, G14, and G16 (Designing with topography).</p>
<p>3. <u>Achieve a connected, accessible, and legible street network structure;</u></p>	<p>Reflects design outcome O4 (Effective public-private interface) and O6 (Well-functioning sites), and guidance points G36, G37 (Internal connectivity), and G42 (Street hierarchy).</p>
<p>4. <u>Provide safe, accessible and legible connections to and through open spaces, key routes and local destinations;</u></p>	<p>Reflects design outcome O7 (Well-functioning sites) and combines guidance points G27, G28 and G29 (Connection to neighbouring areas and facilities).</p>
<p>5. <u>Demonstrate best practice for crime prevention through environmental design;</u></p>	<p>There were many guidance points that spoke to CPTED in very specific terms - lighting, avoiding entrapment etc. SUB-PX.5 elevates those matters to a broader consideration noting that specifics on street lighting are addressed in the INF chapter.</p>
<p>6. <u>Respond to significant views or landmarks and align streets and design public spaces to focus on these;</u></p>	<p>Reflects design outcome O5 (Effective public-private interface) and guidance point G41 (Significant views and landmarks).</p>
<p>7. <u>Orient lot frontages towards streets and other public spaces to create quality streetscapes and where possible combine accessways to rear lots; and</u></p>	<p>Reflects guidance points G25, G26 (Orientation of lots), G39 (Internal connectivity), G48, G49 (Shaping the lot), and G60 (Vehicle crossings and accessway).</p>

<p>8. <u>Respond to site topography and achieve high quality landscaping outcomes, including retaining and integrating mature trees and native vegetation that positively contribute to an area's visual amenity.</u></p>	<p>Reflects guidance points G6, G8, G9 (Vegetation and planting), G11 (Urban Ecology), G13, G14 and G16 (Designing with topography).</p>
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63 This draft policy was then shared for feedback and subsequently workshopped with Nick Rae, Matt Heale and Victoria Woodbridge on behalf of Kāinga Ora. The following aspects were discussed as part of this workshop:

63.1 The scope of application of this policy in relation to the intent statement of the latest SDG;

63.2 The scale of vacant lot subdivision to which the policy applies; and

63.3 Minor amendments to the policy heading, chapeau and wording.

64 It was agreed that the policy is only intended to apply to vacant allotment subdivision and thus only connects to SUB-R5. This has been reflected in both the title of the policy 'vacant allotment subdivision design' and the chapeau of the policy. By adding this specific reference to the policy it ensures this policy is only hooked into SUB-R5 and cannot be considered for discretionary activities under other Subdivision Chapter rules.

65 The scale of vacant allotment subdivision that this policy is intended to apply to was discussed, including whether it should be applied just to greenfield subdivision or more broadly. The latest version of the SDG's intent statement refers to the guide applying to subdivisions containing

20 or more allotments. However, the notified SDG applies to any greenfield, brownfield, or infill subdivision.

66 Table 3 below identifies the evolution of the general intent of application of the SDG and the rule hooks to the SDG in the Subdivision Chapter rule framework from the notified PDP to Hearing Stream 5, to the ISPP Wrap-up hearing, and to this SDG right of reply.

Table 3: Evolution of intent and application of SDG

Stages of PDP process	General intent of application	Application of Subdivision design 'outcomes'	Comment
Notified PDP	<p>Broad</p> <p>All subdivision – whether that be greenfield, infill, or brownfield subdivision.</p> <p>Does not apply to Controlled Activity Subdivision.</p>	<p>Limited</p> <p>2 SUB chapter triggers:</p> <p>RDA rule for boundary adjustments (SUB-R3.3)</p> <p>RDA rule for subdivision that creates vacant allotments in the General Rural Zone, the Large Lot Residential Zone or the Future Urban Zone (SUB-R5.2)</p>	<p>There was a mismatch between the intent of the SDG and application in the PDP. The SDG was intended to broadly apply to all subdivision (with flexibility as to relevance of guidance points), however there were not the appropriate triggers in the notified SUB chapter to achieve this.</p>
<p>Design Guide s42A Report</p> <p>22 August 2023</p>	<p>Limited</p> <p>Facilitate well-designed subdivision of greenfield land and subdivision providing over 20 allotments.</p>	<p>No change</p>	<p>The revised SDG refined the intent of the SDG to reflect the <u>notified application</u> of the rule triggers in the SUB chapter.</p>
SUB Chapter Right of Reply	<p>No change</p>	<p>Broadened</p>	<p>The SUB chapter rule triggers were broadened to</p>

<p>28 August 2023</p>		<p>SDG (through amended SUB-P3) became a matter of control/matter of discretion for all general subdivision rules (SUB-R2, SUB-R3, SUB-R4, and SUB-R5)</p>	<p>reflect the <u>notified intent</u> of the SDG.</p>
<p>ISPP Wrap up SDG Right of Reply</p> <p>20 October 2023</p>	<p>Broadened</p> <p>The new policy guidance applies broadly to all subdivision - whether that be greenfield, infill, or brownfield subdivision.</p>	<p>Limited</p> <p>3 SUB chapter triggers (within SUB-R5):</p> <p>SDG is a matter of control/matter of discretion for all subdivision that creates a vacant allotment, excluding new allotments for infrastructure (SUB-R5)</p>	<p>Although the SDG is recommended to be deleted, the intent of the design guidance policy is broadened to apply to all subdivision (reflective of the notified SDG intent), while the application broadens the notified application (but limits the SUB RoR application) to only apply to vacant lot subdivision of any type (greenfield, infill, brownfield) in any zone, of any quantity.</p>

67 It was agreed that the policy (and SUB-R5) apply to all vacant lot subdivision – greenfield, brownfield and infill. Kāinga Ora considered that applying the policy in full (all the listed policy matters under the chapeau) could be considered onerous and inappropriate for a subdivision that only creates one vacant allotment through infill as an example. We agreed with this sentiment. Kāinga Ora suggested some form of qualifier with regards to consideration of scale was necessary for this policy.

68 As a consequence of this the words ‘appropriate to the scale of the subdivision’ were added to the chapeau. This provides some flexibility for processing consent planners and urban design advisors, to consider the scale of the subdivision application and the extent to which policy matters are applicable.

- 69 An amended final policy has been shared with Kāinga Ora for their consideration. This final policy is seen below in Table 4 and in Appendix A, which shows the draft policy shared with Kāinga Ora, the final policy wording post workshop with Kāinga Ora, and the associated SDG guidelines to which each clause relates. The final policy was informed by feedback received from Kāinga Ora on the draft policy.
- 70 On 20 October 2023 Mr Heale, Ms Woodbridge and Mr Rae on behalf of Kāinga Ora provided a memo generally in support of our recommended amendments to the Subdivision chapter. Their memo is attached as Appendix D.

Table 4: New SUB-PX (Vacant allotment subdivision design)

Draft New SUB-PX (Subdivision design)	Final recommended SUB-PX (Vacant allotment subdivision design)	SDG Guidelines
<p><u>Subdivision design</u></p> <p><u>Provide for subdivision where it results in allotments that:</u></p>	<p><u>Vacant allotment subdivision design</u></p> <p><u>Provide for subdivision where, appropriate to the scale of the subdivision, it results in allotments that:</u></p>	N/A
<p>1. <u>Are adequately served by public open space that is accessible and useable;</u></p>	<p>1. <u>Are adequately served by public open space that is accessible and useable;</u></p>	<p>Reflects design outcome O4 (Effective public-private interface) and O9 (Well-functioning sites), and guidance point G28 (Connection to neighbouring areas and facilities).</p>
<p>2. <u>Ensuring any contour modification or large retaining structures are minimised to be sympathetic to existing natural ground form and vegetation and landscaped to soften visual impacts;</u></p>	<p>2. <u>Respond to site topography by ensuring any contour modification or large retaining structures are minimised to be sympathetic to existing</u></p>	<p>Reflects design outcome O1 (Responding to the natural environment) and guidance points G13, G14, and G16 (Designing with topography).</p>

	<u>natural ground form and landscaped to soften visual impacts;</u>	
3. <u>Achieve a connected, accessible, and legible street network structure;</u>	3. <u>Achieve a connected, accessible, and legible street network structure;</u>	Reflects design outcome O4 (Effective public-private interface) and O6 (Well-functioning sites), and guidance points G36, G37 (Internal connectivity), and G42 (Street hierarchy).
4. <u>Provide safe, accessible and legible connections to and through open spaces, key routes and local destinations;</u>	4. <u>Provide safe, accessible and legible connections to and through open spaces, key routes and local destinations;</u>	Reflects design outcome O7 (Well-functioning sites) and combines guidance points G27, G28 and G29 (Connection to neighbouring areas and facilities).
5. <u>Demonstrate best practice for crime prevention through environmental design;</u>	5. <u>Demonstrate best practice for crime prevention through environmental design;</u>	There were many guidance points that spoke to CPTED in very specific terms - lighting, avoiding entrapment etc. SUB-PX.5 elevates those matters to a broader consideration noting that specifics on street lighting are addressed in the INF chapter.
6. <u>Respond to significant views or landmarks and align streets and design public spaces to focus on these;</u>	6. <u>Respond to the amenity value of views or landmarks and align streets and design public spaces to focus on these;</u>	Reflects design outcome O5 (Effective public-private interface) and guidance point G41 (Significant views and landmarks).
7. <u>Orient lot frontages towards streets and other public spaces to create quality streetscapes and where</u>	7. <u>Orient lot frontages towards streets and other public spaces to create quality streetscapes and where possible combine</u>	Reflects guidance points G25, G26 (Orientation of lots), G39 (Internal connectivity), G48, G49 (Shaping the lot), and G60

<p><u>possible combine accessways to rear lots; and</u></p>	<p><u>accessways to rear lots; and</u></p>	<p>(Vehicle crossings and accessway).</p>
<p>8. <u>Respond to site topography and achieve high quality landscaping outcomes, including retaining and integrating mature trees and native vegetation that positively contribute to an area’s visual amenity.</u></p>	<p>8. <u>Achieve high quality landscape outcomes, including encouraging the retention and integration of mature trees and native vegetation that positively contribute to an area’s visual amenity.</u></p>	<p>Reflects guidance points G6, G8, G9 (Vegetation and planting), G11 (Urban Ecology), G13, G14 and G16 (Designing with topography).</p>

71 Kāinga Ora also requested that references to SUB-P4 and SUB-P5 throughout the general subdivision rules be re-assessed given the amendments proposed to these policies. This exercise was undertaken, and we therefore recommend the following consequential amendments as shown in Appendix A:

71.1 Add SUB-P5 to SUB-R3.2

71.2 Add SUB-P5 to SUB-R5.2

Amend SUB-P3 to reinstate the notified version of SUB-P3

72 Given the deletion of the SDG, it is recommended to delete ‘*Fulfil the intent of the Subdivision Design Guide*’ from SUB-P3. This removes the amendment to SUB-P3 that was recommended in the SUB chapter RoR and reinstates the notified version of SUB-P3. This is reflected in Appendix A.

Amend SUB-R5 matters of control/matters of discretion to reference new SUB-PX

73 It is recommended that the new SUB-PX be applied to SUB-R5 (Subdivision that creates any vacant allotment, excluding new allotments for infrastructure) with the intent to limit the application of these policy considerations to vacant lot subdivision applications only. This is reflected in Appendix A with references added to SUB-R5.

Delete references to the SDG in DEV2 and DEV3

74 Outside of the Subdivision chapter, the only other references to the SDG are within the DEV2 and DEV3 chapters.

75 Given the recommended deletion of the SDG, we therefore recommend deleting four references to the SDG in DEV2-P2.4, DEV2-P5.1, DEV2-P3.4, and DEV3-P5.1.

Section 32AA evaluation for removal of the Subdivision Design Guide, amendment to SUB-P3, SUB-P4, SUB-P5 and addition of a new Subdivision policy

76 In our opinion, based on the above analysis and assessment , the preferred recommendation to remove the SDG and make amendments to SUB-P3, SUB-P4, SUB-P5 and add a new ‘vacant allotments subdivision design’ policy to address specific design guidance matters is the most appropriate way to achieve the PDP strategic directions, objectives of the Subdivision Chapter as well as the outcomes of the SDG relative to the notified provisions.

77 The environmental, economic, social and cultural effects of the recommendation to remove the SDG and include subdivision specific design guidance matters in a new policy focused on infill, brownfield and greenfield vacant allotment subdivision are set out below.

Costs	Benefits	Risk of Acting/Not acting
Environmental	Environmental	Due to the large number of guidelines and duplication of

<p>There are limited new environmental costs arising from the removal of the Design Guide as the guidance is addressed elsewhere in the PDP and addressed through a new subdivision chapter policy. This ensures that the positive environmental outcomes and key subdivision design guidance matters are retained, albeit in a new Subdivision policy.</p> <p>Economic</p> <p>There are no identified economic costs from deletion of the Design Guide. Subdivision that creates any vacant allotment, excluding new allotments for infrastructure (SUB-R5) will still be assessed against the subdivision design policy.</p> <p>Deletion of the SDG and thus the associated requirement to undertake an assessment against it may help to reduce economic and time costs to applicants and Council, whilst still achieving positive subdivision design outcomes through application of SUB-PX.</p> <p>Social and Cultural</p> <p>There are unlikely to be social and cultural costs arising from the deletion of the SDG given that guidelines seeking to ensure positive social and cultural outcomes exist within existing PDP provisions, or have been integrated into a new Subdivision policy such that these benefits have not been lost.</p>	<p>Succinct subdivision design considerations in SUB-PX means that they are likely to be more easily understood from early in the design process. Accordingly, it is more likely that their intent is fulfilled in the evolution of the proposal and consented as such.</p> <p>By adding a new SUB-PX and through the revised RDG, the outcomes, intent and matters addressed in the SDG have been able to be retained, albeit in a more targeted and efficient manner. This enables a more efficient and effective means of retaining key SDG guidance but without the need for a guide which was identified as being repetitive, with content already largely covered in other parts of the plan or documents.</p> <p>Economic</p> <p>The proposed changes will result in less confusion for applicants and greater certainty of the design outcomes seeking to be achieved through removing the SDG and instead seeking assessment against SUB-PX.</p> <p>The proposed change to delete the SDG and instead amend Subdivision Chapter policies removes the need for a separate subdivision design guide assessment, instead focusing the assessment against the policy framework.</p> <p>This could lead to economic benefits through time saving for both the applicant and Council. It is also likely to assist Council officers to assess resource consent applications faster and will likely help reduce time required for pre-application meetings in relation to</p>	<p>guidelines, it is difficult to understand the design outcomes seeking to be achieved.</p> <p>There are instances where the SDG does not align with PDP provisions or replicates PDP provisions, including the RDG.</p> <p>The notified SDG and revised SDG could result in decisions from Council Officers which are inconsistent. This is due to the repetition/duplication of guidelines in the SDG with guidelines in the RDG and provisions throughout the PDP.</p> <p>The risk of acting is negligible, as the recommended design guides have been subject to workshopping across Council as well as Kāinga Ora (the only submitter and party subject to the Joint Witness Statement that sought to be involved in the SDG review). There is agreement between parties that the revised approach has improved the PDP from the notified version and enhanced plan usability.</p>
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	<p>design matters, as they can be more focussed.</p> <p>Social and Cultural</p> <p>Shifting key subdivision design considerations to SUB-PX will improve clarity for plan users and result in less confusion for applicants and greater certainty of the design outcomes to be achieved.</p>	
<p>Overall Evaluation of Effectiveness and Efficiency</p>	<p>The recommendations continue to address the same matters as the notified SDG, though in a more succinct manner and noting that many of the SDG guidance points are addressed elsewhere in PDP provisions, including the RDG.</p> <p>Given the above, the recommendations are more efficient and effective at achieving the purpose of the Act and achieving the strategic objectives of the PDP than retaining the notified SDG. The key reasons for this include:</p> <ul style="list-style-type: none"> - Guidelines that were already addressed substantially by District Plan provisions or the RDG have been removed, reducing any possibility of regulatory overlap and duplication. - SUB-PX provides clearer and more consistent guidance on what is considered good urban design. Given this, they will assist in creating high quality urban design outcomes and an overall well-functioning urban environment, as required under Policy 1 of the NPS-UD. - The new Subdivision chapter policy SUB-PX and amendments to SUB-P4 are less complex and easier to undertake assessments against than the notified SDG. This is due to the removal of repetition and duplication, and having a clear policy directive that is applicable to vacant allotment subdivision. - Amendments to the Subdivision chapter, including new SUB-PX and references to SUB-PX in SUB-R5, make it clear when subdivision design considerations apply. - The clear policy directive will result in reduced cost and time implications for developers and applicants, compared to what could be expected under the notified SDG. SUB-PX removes the potential for ambiguity, through the inclusion of directive language rather than suggestive. This will result in increased clarity and consistency when undertaking assessments and overall increased certainty for developers and applicants. 	

Date: 20 October 2023

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