

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of Submissions and Further Submissions on  
the Proposed Wellington City District Plan

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**Minute 36:**

**Follow-up Directions – IPI Wrap-up Hearing**

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## Introduction

1. The purpose of this Minute is to provide directions following the IPI Wrap-up Hearing held on 19 to 21 September 2023.

## Subdivision Design Guide

2. While substantial progress has been achieved between the parties in relation to the Design Guides since Hearing Stream 2 in April 2023 (and we recognise the excellent work done by all parties), and there is now a large measure of agreement among the parties, during the course of the Wrap-up Hearing, some outstanding matters in relation to the Subdivision Design Guide became apparent.
3. First, while the Review Team has recommended some changes to the Subdivision Design Guide to make it consistent with the other Design Guides, the substance of the Guide has not had the benefit of the forensic review that was given to the contents of the Residential and Commercial and Mixed Use Design Guides. We acknowledge that this limited scope was in accordance with the directions of the Panel in Minute 24.
4. At the Wrap-up Hearing, Kāinga Ora identified a number of potential conflicts between the content of the Subdivision Design Guide and that of the revised Design Guides, which it was asserted could lead to inconsistent design outcomes. 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.
5. The Hearing Panel considers there is merit to have the contents of the Subdivision Design Guide reviewed to ensure that they are consistent with those of the Residential and Commercial and Mixed Use Design Guides. Accordingly, the Panel directs that the Subdivision Design Guide 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.
6. Second, we are seeking 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.
7. The stated intent of the Subdivision Design Guide is:

*The intent of the Subdivision Use Design Guide is to facilitate well-designed subdivision of greenfield land and subdivision providing over 20 allotments.*
8. As we understand, the only triggers for the application of the Subdivision Design Guide in the rules are those in Rule SUB-R3.3 for boundary adjustments that are a restricted discretionary activity and Rule SUB-R5.2 for the creation of vacant lots as a restricted discretionary activity. These triggers do not appear to fully align with the stated intent of the Subdivision Design Guide. Accordingly, the Panel is seeking clarification from the Council on this matter.

## Council Reply

9. We have identified a number of points on which the Hearing Panel would be assisted by further input as part of the Council Reply. The Council is, of course, free to reply on any matters it wishes arising out of the hearing, but we request that, at the least, the following matters are addressed:
- i. In relation to the request from GWRC which seeks to ensure that where Māori data is used, sovereignty is upheld, and data is interpreted within Te Ao Māori (Submission 351.4), in paragraph 202 of the s42A report for this hearing, the reporting officer referred to the response in paragraph 125 of the Council reply for Hearing Stream 1, which was to recommend including mātauranga Māori in the term “best available information”. This recommendation does not fully address the relief sought.
  - ii. In relation to the Residential and Commercial and Mixed Use Design Guides (RDG, CMUDG), should the term “where practicable” be applied to the Guidance Point to “locate and design living areas within residential units to receive winter sunlight (G42 in the RDG and G44 in the CMUDG)? Should there be a difference in approach between design guidance on winter sunlight for residential developments in the Residential Zones with that in the CMUZ?
  - iii. In response to a point asserted by Mr Marriage, are the CMUDG appropriate for residential developments in inner city streets, particularly those in the narrower streets such as in Te Aro, particularly in relation to access to sunlight/daylight?
  - iv. Whether there is policy guidance of support for the position on Sites and Areas of Significance to Māori in the Design Guides?
  - v. Whether there are any further recommendations in relation to the Design Guides in response to evidence provided to the Wrap-up Hearing?

## Section 32AA Further Evaluations

10. In response to questions from the Panel, we are expecting to be provided with Section 32AA further evaluations from the expert planners for Restaurant Brands Limited (Mark Arbuthnot) and Retirement Villages Association of New Zealand and Ryman Healthcare Limited (Nicola Williams) to demonstrate why their recommended amendments are more appropriate than those recommended by the Council’s reporting officer.

## Timetabling

11. The Panel directs the supply of the two s32AA further evaluations by 1pm on Wednesday 27 September 2023.
12. The Panel directs the circulation of the Council Reply by 1pm on Friday 13 October 2023.
13. Recognising that the process for the review of the Subdivision Design Guide may require more time than is usual for the Council reply after a hearing, given the necessary involvement of other parties, the Hearing Panel directs that the Council reply to these matters be circulated by 1pm on Friday 20 October 2023.

14. If you have any questions or concerns relating to this hearing, please contact our Hearings Co-ordinator at [jaskirat.kaur@wcc.govt.nz](mailto:jaskirat.kaur@wcc.govt.nz).

A handwritten signature in black ink, appearing to read 'Robert Schofield', written in a cursive style.

**Robert Schofield**  
**For the Wellington City Proposed District Plan Hearings Panel**

Dated: 22 September 2023