

**Before the Independent 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

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**Statement of evidence of Shayna-Lucy Curle on behalf of Wellington City  
Council (Urban Design Expert)**

**Date: 1 March 2023**

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## **INTRODUCTION:**

- 1 My full name is Shayna-Lucy Kim Curle. I am employed as a Māori Design Advisor at Wellington City Council.
- 2 I have prepared this statement of evidence on behalf of the Wellington City Council (the **Council**) in respect of technical related matters arising from the submissions and further submissions on the Proposed Wellington City District Plan (the **PDP**).
- 3 Specifically, this statement of evidence relates to the Design Guides incorporated at Part 4 of the PDP
- 4 I am authorised to provide this evidence on behalf of the Council.

## **QUALIFICATIONS AND EXPERIENCE**

- 5 I hold the qualifications of Bachelor of Architectural Studies and a Master of Architecture (Professional) from Victoria University of Wellington.
- 6 I have worked for the Wellington City Council (the Council) for five years in a variety of roles, starting in the building consents and compliance team and moving to Design Review at the start of 2021. In 2022 I became the Māori Design Advisor within the Design Review Team. I provide urban design review advice to the Resource Consents Team to support their decision making on consents. I co-chair the internal design review panels for the Council's public projects.
- 7 I am a committee member of the Urban Design Forum (UDF) committee, and a committee member of the New Zealand Construction Industry Council (NZCIC). I am a co-chair for the Ngā Aho Māori Design Network committee. I am a committee member of the conference advisory groups for the Urbanism 2023 conference and for the State of Australasian Cities Conference 2023.

## **Code of conduct**

8 I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court, which came into effect on 1 January 2023. I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence before the Environment Court. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

## **SUMMARY**

9 My name is Shayna Curle.

10 I have been asked by the Council to provide evidence in relation to the submissions relating to the guidelines within the Residential Design Guide.

11 My statement of evidence addresses these submissions.

## **INVOLVEMENT WITH THE PROPOSED DISTRICT PLAN**

12 I have been involved in the development of the PDP since January 2021 when I began in the role of Urban Design Advisor in the Design Review team. I was involved in drafting the Design Guides, reviewing and revising the Design Guides based on the Draft District Plan submissions, and the development of the three-star rating system within the guides.

## SCOPE OF EVIDENCE

- 13 My statement of evidence addresses submissions relating to specific guidelines in the Residential Design Guide and the Papakāinga Design Guide.
- 14 In my evidence I speak to each of these issues at a general level, and do not comment on individual submission points.

## SUBMISSIONS RELATING TO SPECIFIC GUIDELINES IN THE RESIDENTIAL DESIGN GUIDE

- 15 In this section I will comment on submitters concerns regarding guidelines in the Residential Design Guide.
- 16 **Responding to Whakapapa of Place:** A number of submitters sought more clarity on G1, in particular clarity on how many points of the criteria would be necessary to respond to, or are relevant, in an application. I acknowledge that the wording could be clearer, to assist applicants on direction for how to respond. Therefore, I recommend changes to include the wording “where relevant” for the criteria list and “for example” for the orange text. This will allow the design expert that provides an assessment against the design guide at application to use their judgement for their contextual analysis of what is applicable.
- 17 **Vegetation and planting, urban ecology, and carbon reduction – natural environment:** Some submitters sought changes to G3-G10. Each guideline in this section addresses a unique design outcome and, as separate guidelines, leave room for applicants and reviewers to identify singular vegetation and planting issue(s) within a site and/or a development, and to respond to the issue(s).
- 18 **Designing with topography:** Some submissions were made regarding G12 and G13 seeking that they be integrated. G12 seeks to mitigate the effects of stormwater runoff, while G13 seeks to mitigate the need for retaining walls. As separate guidelines it is easier for applicants and

reviewers to identify and discuss a particular design outcome and to not conflate topographic design issues.

- 19 **Designing with water:** Some submissions were made regarding G17 and G18 seeking that they be more prescriptive in the design implementation of water conservation methods and that they be mandatory. The guidelines are intentionally non-prescriptive to allow for evolving best practice water conservation methods and for site-specific design responses. The guidelines have a one-dot rating because water conservation may not apply to all applications.

Some submissions requested that G20 be made mandatory. No design guidelines are “mandatory” as such, but the rating system is intended to aid applicants in knowing which guidelines might be significant requirements for their applications. G20 has a one dot rating but could be increased to two dots to align it more with the Spatial Plan goals of a green city and the Green Network Plan, which sets out the Council’s strategic “greening” goals for the city. A two-dot rating for this guideline would mean that applicants that have existing native bush and/or significant trees on their site and/or in the surrounding area would need to justify the removal of these in their design guide assessment as part of their application for consent.

- 20 **Ground floor interface and frontage:** Some submissions were made seeking the clarification or deletion of G25, the clarification of G27, and the deletion of G31 and G33.

G31 requires designers/applicants to consider how a residential development will respond to adjacent heritage buildings in regard to scale, regardless of whether the Heritage Design Guide will be used or not. In my view this guideline should remain as written.

G33 allows for construction hoardings to be integrated into the design outcomes of the development/redevelopment of sites and is often discussed in preapplication meetings. This guideline should remain as written.

Some submissions were made regarding clarification for G27. I agree that the intention of this guideline could be clearer and that rewording it would achieve this.

- 21 **Entrances:** Some submissions sought that G37 would have the language strengthened to require all applications to meet the guideline. The design guidelines are not mandatory, and the intention of the guideline is that designers use best practice to design entrances that suit a wide range of activities, such as moving furniture or wheelchair movement.

Several submitters sought that G39 that the language of the guideline should become stronger in order to require developers to have step-free entrances. The guideline has a one-dot rating and allows for flexibility in design that responds to site topography and housing typology.

Some submissions sought that G40 should be clarified or deleted. After reviewing the guideline, I can see that the way it is written could lead to confusion about what zone the guideline should apply to. The guideline is intended to provide shelter from inclement weather above active edges of mixed-use developments. Additional wording to clarify the building typology of multi-unit developments and apartments would alleviate this confusion.

- 22 **Facades:** Some submitters sought that G41 should be more prescriptive in design. However, the intention of the design guideline is to allow for flexibility and creativity in the design of facades, and the way that it has been written allows for this.

Several submitters sought that G41 should require multi-storey buildings to be designed by registered architects. The design guides are a method of attaining good design outcomes for the city and are not an appropriate method for regulating the design industry. It is outside the scope of the design guides, and this is better suited to the industry or to central government.

- 23       **Fencing:** Some submissions were made that sought for G44 to be clearer about heights. However, the heights for fences are set out in the PDP rules, and the design guides are intended to achieve good design outcomes.
- 24       **Connections for people:** Some clarification by amendment was sought for G49 to make the guideline more flexible and more responsive to location and function. The rating system allows for flexibility in implementation of the design guidelines and urban design considers applications on a case-by-case basis. After reviewing the guideline, I consider that as it is written it would not restrict flexibility in design, and therefore does not need to be amended.
- 25       **Garages, carports and carpads:** Submissions were made seeking that additional wording for G53 be included to give examples of types of mobility impairments that should be considered for design. In my view, this is a good amendment because it is a practical addition that will provide further guidance to designers and support good design outcomes.
- 26       **Grouped carparking at grade:** Some submissions were made seeking clarity for G55, G58 and G60. For these guidelines, clarification can be provided with additional wording to make clear the intent of the guidelines and the implementation methods by being more prescriptive. In my view, amending these guidelines to achieve further clarity would be useful.
- 27       **Lighting:** Several submissions were made regarding the lighting section (G63-G72). Some themes of the submissions are sunlight and daylight, which makes it clear that there is confusion and that it is not understood that these guidelines are for artificial lighting to provide good design and CPTED outcomes. In my view it would be useful to amend the section heading to clarify that this section is for artificial lighting.
- Some submissions sought the removal of the guidelines due to the detail of information required for lighting design. In my view, this submission is considering internal lighting of buildings and not outdoor lighting of

shared pedestrian paths etc for CPTED outcomes, which can and should be resolved within the consent application process to ensure good design outcomes. Lighting design can be conditioned in a consent, but it is sometimes necessary to investigate lighting provisions for larger developments to ensure safety, and the design guidelines provide guidance on this.

28 **Communal Open Space:** Some submissions sought that G78 and G79 be strengthened and given three-dot ratings. These guidelines have two-dot ratings, but the language is written for a one-dot rating. In my view, amending the guideline so that the wording is aligned with the two-star rating will achieve the outcome the submitters are seeking.

29 **Private Open Space:** Some submissions sought that G80-G84 have sunlight access clarified and qualified, for example to have specific minimum hours of sunlight access. In my view, the guidelines as written are not prescriptive, which allows flexibility in design and allows a location specific design response. Some sites have difficult topography with naturally limited sunlight access, which would prevent a designer/developer from achieving minimum sunlight hours. The guidelines as written allow urban design reviewers to approach applications with flexibility and to assess them on a case-by-case basis.

30 **Balconies and Sunrooms:** Submissions were made regarding G89 seeking to clarify the guideline. The intention of the guideline is that a balcony area can still be used by the dwelling's occupants when a clothesline or heat pump is in the space. I agree with the points raised and can see that it would be useful to amend the guideline to make clear the intention of the guideline.

Some submissions were made that sought balconies be made mandatory for every living space in the City Centre Zone. From a design perspective, it would be impractical to require this due to weather conditions and it would have the potential to hinder development and/or make the consenting process unnecessarily belaboured. There are provisions for either outdoor space or communal space for the City Centre Zone and the design guidelines as written allow the applicant and the Council's



Design Review Team to work together to find the best design outcomes on a case-by-case basis.

- 31 **Waste Storage and waste collection:** Some submissions sought that G93 be removed and for G90-G94 be merged into less guidelines. The design of waste storage and waste collection are, in my experience, often discussed in preapplication meetings and often need tweaking. The guidelines are useful to provide guidance on this and, as separate guidelines, allow the council officer to point to specific issues with the design. In my view it is more useful to all parties if the guidelines remain separate and as written.
- 32 **Service Elements:** Some submissions were made regarding G96-96 that sought plant fixtures be required to be accessible. In my view this is a misunderstanding of the guidelines, and it has been assumed by submitters that this is about household appliances when in fact it is for large multi-unit buildings fixtures such as the transformer room and rooftop plant which would only be accessed by qualified professionals for servicing and maintenance. However, there is a lack of guidance about the placement of household appliances at accessible heights in the residential design guide and it would be in my view practical to include guidance on this in the design guides.
- 33 **External Storage:** Several submissions sought that the guidelines G99-G103 be merged and reduced to less guidelines. In my view each of these guidelines provides specific design guidance for specific design issues. As separate guidelines they provide the ability to identify and isolate design issues and direct applicants towards specific design outcomes.
- 34 **Architectural context and architectural coherence:** Some submitters sought that G107 should have the second bullet point removed. The second bullet point, requiring roof materials and colours to be dark and absorb light is secondary to the intention of the guideline and in my view, can be removed to reduce confusion.
- 35 **Visual Privacy:** Some submissions sought that G110 be amended to provide for reasonable internal privacy. The intention of G110 is provide

visual connection between dwellings and public or communal areas without losing internal privacy. If the guideline were to be reworded to focus primarily on internal privacy, the intention of the guideline would be lost.

36 **Internal Living Spaces:** Some submitters sought that G115 have stronger language to emphasise the importance of accessibility and to require it. This guideline has a one-date rating to allow flexibility of design and to assess developments on a case-by-case basis. Not all developments would need to consider this guideline. In my view this guideline is adequate as written.

37 **Circulation:** Some submitters sought that G117 be amended to reduce the array of matters it covers and that it doubles-up with G114 which is about room space. However, in my view, this guideline has a clear intention that dwellings have enough internal circulation space for people to move around furniture and through passageways unencumbered. The guideline is, in my view, adequate as it is written.

38 **Light and Sun, natural light:** Some submitters sought that G122 be qualified or removed. External windows in habitable rooms provide necessary mental and physical wellbeing and in my view this guideline should be remain as written.

Submissions on G118-G122 show themes of concern about how sufficient natural light and sunlight will be measured. The Operative District Plan has rules and design guides regarding this that outline minimum hours. However, these new guidelines under the PDP move the intention to flexibility in design response to site which will result in optimising design outcomes by using design methods such as site layout, massing, volume, orientation, glazing etc rather than measurements as a discussion point. In my view these guidelines should be remain as written.

39 **Natural ventilation:** Some submitters sought that G123 be amended to require opening windows on two separate facades. The intention of the guideline is to set a minimum for best practice and there is nothing to

prevent a designer and developer from implementing more than one window.

Some submitters sought consideration for noisy areas for G123. In my view, achieving natural ventilation for dwellings takes a higher priority than noise mitigation. However, a designer can achieve both design outcomes by implementing opening windows that are designed for noise mitigation in these areas.

40      **Communal internal amenity:** Some submitters sought that G126 be removed or qualified due to costs. The guidelines are not mandatory. The guideline has a three-dot rating so if an application were received that did not achieve the outcomes of this guideline the applicant would need to justify why they were unable to. But there is flexibility for this to be allowed and for it to be discussed and worked on together in a preapplication meeting and, if necessary, during the consent application process. The guideline has a three-dot rating due to the importance of communal spaces in multi-unit developments. They can provide social cohesion and many community benefits.

41      **Internal storage:** Some submitters sought that G130 and G131 be qualified or removed. The intention of these guidelines is to ensure a good amount of storage in residential units. It is difficult to be prescriptive with storage space as storage needs vary depending on housing occupancy, culture, lifestyle etc. The guidelines as written leave flexibility for discussion at pre-application when the storage may appear to be inadequate dependant on what housing typologies are proposed and the floor layout designs. Some examples of items that may need to be stored are given in G131 for guidance. A good design outcome would be when every item “has a home” and occupants do not feel limited in how they can occupy and fill their home. Leaving flexibility for a designer to achieve this in creative ways is the intention of the guidelines. In my view, these guidelines are adequate as written.

42      **Accessibility:** Some submitters sought that G133 be amended to require compliance with NZ standards for access and mobility. The intention of this guideline is to advocate for best practice, which may or may not be

what the current NZ standards are, both now and in the future. Additionally, compliance with NZ standards is outside of the scope of the design guides.

#### **SUBMISSIONS RELATING TO SPECIFIC GUIDELINES IN THE PAPAKAINGA DESIGN GUIDE**

- 43 No changes were sought to individual guidelines of the Papakāinga Design Guide. A submission queried how the Papakāinga Design Guide will apply in areas outside of Tapu Te Ranga land. The Papakāinga Design Guide was designed without a specific audience or land type in mind. It is to give guidance to designers and council officers on what to expect in a papakāinga development that might differ from a development that would align with the residential design guide. Provisions within the PDP would be a better method for providing for the who, where and why of papakāinga developments.
- 44 I agree with the council officer's recommendation that council and mana whenua should work together to develop options for addressing papakāinga provisions in the PDP to support the Papakāinga Design Guide.

**Date:** 1 March 2023

**Shayna Curle**

