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Hearings Panel
Proposed Wellington District Plan
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For: Jaskirat Kaur, Hearings Administrator

Wellington Proposed District Plan: Hearing Stream 2 – Submitter Statement / Speaking Notes

1. Introduction

- 1.1. Thank you for the opportunity to participate in Hearing Stream 2 on the Proposed District Plan (“PDP”).
- 1.2. The key issues on which Willis Bond and Company Limited (“Willis Bond”) submitted in Hearing Stream 2 are:
 - Policies relating to vegetation and multi-unit housing
 - Height exclusions
 - Outdoor living space
 - Design guides
- 1.3. We also made some general comments on the relationship between the Medium Density Residential Zone (“MDRZ”) and denser zones, including the High Density Residential Zone (“HDRZ”).

2. General

- 2.1. In our submission, we observed that the medium density residential standards (required by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021) are more permissive than the standards that apply in denser zones. By “permissive”, we mean that there are fewer standards and controls on buildings, provided they fall within the overall height and bulk controls. For example, the Residential Design Guide does not apply to development within the MDRZ that is within the medium density residential standards.
- 2.2. There is a risk that the more permissive approach in the MDRZ will encourage greater development in the MDRZ than in denser zones such as the HDRZ and the City Centre Zone, which have more restrictive standards. This is against the objective of the PDP and the NPS-UD, which is to allow greater development within denser zones.
- 2.3. Council addresses this issue in the section 42A report (Part 3, at [83]). Council notes it supports amendments providing further clarity on notification of developments proposing four or more residential units. We support those amendments.

- 2.4. However, we still consider there is a risk that the denser development envisaged in the HDRZ and City Centre Zone does not eventuate, as the PDP makes it easier and more cost-effective for developers to build according to the medium density residential standards.
- 2.5. Initiatives that increase density within, say, the HDRZ will help address this issue, as greater permissible development helps justify the expense and time in complying with controls such as the Residential Design Guide. Initiatives that increase the certainty and speed of the consenting process will also help, and this is what our submissions on the Design Guides are focused on. If we make development too difficult within centres, we will just see a proliferation of developments in the suburbs where there are few controls on quality and design.

3. Policies

3.1. Willis Bond opposes the following policies in the MDRZ and HDRZ:

- MRZ-P6 and HRZ-P6 Multi-unit housing
- HRZ-P10 Vegetation and Landscaping

3.2. In respect of MRZ-P6 and HRZ-P6, we oppose P6.1 which relates to the Residential Design Guide (see comments below) and P6.4 which refers to infrastructure provision.

3.3. We oppose P6.2 (outdoor living space) for the reasons given later in this statement.

3.4. We agree with the amendment to P6.4 recommended by Council (Section 42A Report, Part 3):

Is able to be adequately serviced by three waters infrastructure or can address any constraints on the site

This makes the clause more forward-looking and should provide more flexibility around infrastructure provision.

3.5. Our concern with HRZ-P10 is that, while only a policy, it appears to require vegetation protection or, where vegetation is proposed to be removed, landscaping of “equal or better quality”. This does not seem compatible with the HDRZ, where greater density is envisaged. Vegetation will inevitably need to be removed in these areas and it may not be possible to provide “landscaping of equal or better quality”.

3.6. Council, in the section 42A Report (Part 2, 280-281) disagrees and says that HRZ-P10 only encourages retention of vegetation and that the “equal or better quality” wording is “appropriate wording for a policy which seeks to mitigate the effects of hard landscaping and bulk of buildings”.

3.7. We have considered this further. In our view, the issue could be addressed by removing the wording “of equal or better quality”, which could be read as implying a similar area coverage to the existing vegetation. For example:

Encourage the retention of existing vegetation, particularly native vegetation and visually prominent trees that may not otherwise be protected, and where vegetation is proposed to be removed, seek new

landscaping of equal or better quality to help integrate new development into the surrounding environment and minimise hard surfacing.

In our view, this wording retains the thrust of the policy. If HRZ-P10 is amended, we suggest the same amendment should be made to MRZ-P10.

4. Outdoor Spaces

- 4.1. We oppose the minimum outdoor living space and communal living space requirements in HRZ-S13.
- 4.2. Outdoor areas can often be underutilised and Wellington's climate reduces the amenity of such spaces. Occupiers are well-equipped to make their own decisions as to the type and size of outdoor space they require.
- 4.3. In the section 42A report (Part 2, at [628]), Council says that "an adequate outdoor living area is necessary for the health and wellbeing [of] future residents".
- 4.4. We do not consider this is always the case. An apartment which is occupied as a "city bolthole" may not need outdoor living space. Student accommodation may not need outdoor living space. Apartments adjacent to parks may not require outdoor living space – the park may be much more pleasant than any private or communal living space within that apartment building.

5. Height Exclusions

- 5.1. In our submission, we proposed the following exception to the building height control (HRZ-S2) for sloping roofs and for non-habitable rooms:

HRZ-S2 (Building height control 2 for multi-unit housing or a retirement village)

1. Buildings and structures must not exceed 21 metres in height above ground level.

This standard does not apply to: ...

b. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm; and

c. Satellitedishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the height by more than 1m;

d. Circumstances where up to 50% of a building's roof in elevation exceeds the maximum height where the entire roof slopes 15° or more; or

e. Circumstances where, in respect of flat roofs or roofs sloping less than 15°, non-habitable rooms (such as plant rooms) and other roof-top structures may exceed the height, provided those structures are set back from the leading edge of the parapet by at least 2 metres and do not exceed 50% of the overall roof area.

- 5.2. Council, in the Section 42A Report (Part 2, 492, 494) supports our roof exclusion, but not the exclusion for non-habitable rooms which it considers could be addressed as part of the consenting process.

- 5.3. We appreciate Council's consideration of the roof exclusion and continue to support it. It will allow more variation and interest in building roofs and, given it only excludes sloping roofs, should have little impact from the street.
- 5.4. We ask the Panel to consider the exclusion for non-habitable rooms. We proposed a set back from the leading edge of the parapet so that there would be minimal impact from street level. Council has not commented on the set back. While this could be dealt with through the usual consenting process, we believe this is an efficient way of handling such minor intrusions. We would be open to having another look at how this exception is drafted.

6. Design Guides

- 6.1. We oppose the inclusion of the Design Guides in the PDP. The Design Guides should be non-statutory tools which provide guidance to applicants.

- 6.2. We agree with the evidence of Brendon Liggett for Kāinga Ora. In particular, his comment at [7.4]:

If there are critical outcomes that the Design Guides are trying to achieve, Kāinga Ora considers these matters should be referred to in the relevant assessment criteria and/or matters of discretion and effects standards/rules in the District Plan.

- 6.3. The current Design Guides introduce considerable uncertainty that will make the consenting process more difficult and time-consuming. If the Design Guides are retained, we ask that they are pared back and reviewed to provide greater certainty to applicants.
- 6.4. We have asked Nick Owen, a Senior Development Manager at Willis Bond, to provide evidence in relation to the Design Guides and, in particular, how they might be improved. We acknowledge Mr Owen is not independent of the submitter. However, he has relevant experience and expertise which we believe will be useful to the Panel when considering the Design Guides.
- 6.5. Council has recommended some changes to the Design Guides in the section 42A report, however, we believe the Design Guides need to be revised and approached with a more open mind. It is very difficult to get a sense from the Design Guides as to how individual guidelines are to be assessed, what happens if an applicant departs from a guideline and how subjective issues (such as general design quality) are to be decided.
- 6.6. Addressing these concerns, Council says in the section 42A report (Part 6, at [68]) that the "flexibility/rigidity rule is explained in the Design Guide Introduction document". We cannot see where in the Introduction that information is contained.
- 6.7. The Design Guides are a restricted discretion matter that Council may take into consideration when considering resource consent applications. The breadth of the Design Guides means that almost every single matter related to that development may be taken into account. In our view, that is not consistent with the intent of a "restricted discretionary" activity.
- 6.8. In their current form, the Design Guides demand a lot from Council officers, who will have to interpret the Design Guides and form their own view on the approach. That will work in some cases, but not all the time.

- 6.9. A telling example of this issue is the controls on sunlight access in G75-79. McIndoe Urban Limited, in their submission (sub 135.97), say that more guidance is required on an appropriate level and extent of sun. We agree. Council, in the section 42A report (Part 6, at [371]) says that this was not specified “in order to keep guidelines G75-79 general and flexible enough for Council to seek good sunlight access outcomes for communal living spaces with developers at a site-specific levels”.
- 6.10. The result is that applicants do not know how much sunlight is supposed to be provided and what may be acceptable. Sunlight is capable of being measured. Minimum standards could be included, along with a procedure where the applicant considers departure is justified. Instead, Council appears to wish to be included in the actual design process. It is costly and time-consuming for applicants to develop plans for a resource consent application, and then enter into a process with Council to further refine the scheme as Council better explains its requirements.
- 6.11. Another issue with the Design Guides is the level of detail. There are aspects in the Design Guides, which typically are not fully worked through at resource consent stage. We do not consider Council has provided good evidence that these issues need to be considered in the Design Guides.
- 6.12. An example is occupiable space within balconies (G89). Despite outdoor space already being covered by the PDP (see our comments above), G89 requires developers to consider how heat pumps and clothes lines might impact usable space or obstruct passive surveillance. In the section 42A report (Part 6, at [404]), Council also recommends G89 is amended to include an example: “while a clothesline is in use, a table and chair on the balcony can also be used by the occupants of the dwelling”. We do not consider Council should be considering this level of detail at the resource consent stage.
- 6.13. Similarly, Council now recommends an example be included in G100 relating to external storage areas (Part 6, at [436]): “For example external storage areas could accommodate things such as a BBQ, lawn mower, bicycles etc., dependent on the occupancy of the allocated unit.” We do not believe the Design Guides should address storage to begin with but, if they did, it would be preferable to know the required size in advance, rather than have to guess what Council will consider is appropriate based on the occupancy of the unit.
- 6.14. Other examples of guidelines which are overly detailed, and do not need to be included, are lighting and internal storage.
- 6.15. There are also quite onerous requirements in the Design Guides which should be included in the body of the Plan. These include (references to the Residential Design Guide):
- G45 – relating to publicly accessible pedestrian links (potentially, a requirement for the applicant to grant Council property interest over its site)
 - G74, G99 and G101 to G105 – relating to charging capability for electric cars, facilities for transport options other than private cars, end of journey facilities and bike storage

The Design Guides should assist in interpreting the Plan. They shouldn’t introduce additional requirements.

7. Other Matters

- 7.1. In our submission, we asked for the areas surrounding the Kilbirnie Metropolitan Centre to be included within the High Density Residential Zone. We agree with the recommendation in the section 42A report to re-zone various areas surrounding the Kilbirnie Metropolitan Centre (Part 3, at [203]). This issue was addressed in Hearing Stream 1.
- 7.2. We do not comment on the City Outcomes Contribution (HRZ-P13) as we note Council considers it more efficient to deal with this matter in Hearing Stream 4 (Section 42A Report, Part 2, 299).
- 7.3. In our submission, we also opposed HRZ-S16 which sets a limit for maximum building depth and HRZ-S17 which sets a limit for building separation. In our view, these matters are not required in the Plan and can create perverse outcomes. Maximum building depth and building separation limits can force development into shapes that do not work in a particular site, unnecessarily constraining development.
- 7.4. Finally, we also opposed MRZ-S12 and HRZ-S12 which contain minimum residential unit sizes. Minimum unit sizes, while not typically an issue for our developments, restrict the ability of developers to provide affordable housing choices and a diverse range of housing. Like outdoor spaces, occupiers can make their own decisions on size requirements.

Yours sincerely,



Rosalind Luxford
Senior Development Manager

Willis Bond and Company Limited