

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN WELLINGTON CITY**

**I TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE
O TE WHANGANUI-A-TARA**

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of the hearing of submissions on the
Wellington City Proposed District Plan.

**ISPP WRAP-UP AND INTEGRATION HEARING
Part 2: Design Guides**

**Statement of evidence of Graeme McIndoe and Andrew Burns
on behalf of McIndoe Urban Ltd**

Urban Design

5 September 2023

INTRODUCTION

1 Our full names are Graeme Robert McIndoe and Andrew Davies Burns. We have jointly prepared this statement of evidence on behalf of McIndoe Urban Ltd (**MUL**) in support of our submission on the design guides in the Proposed Wellington District Plan (**PDP**).

2 We are both directors of McIndoe Urban Ltd. We made our submission on the proposed design guides and are producing this evidence in order to help Council ensure a high amenity future for a growing city with effective and efficient design control in the form of statutory design guidance.

Qualifications and experience

3 We made our submission and have produced this as a joint statement of evidence:

3.1 Graeme McIndoe

I am a registered architect and qualified urban designer and the founding director of McIndoe Urban Ltd. My qualifications include MA Urban Design; Dip Urban Design (Dist); BArch(Hons 1); BBS. I have over 40 years professional experience.

3.2 Andrew Burns

I am a qualified urban designer and chartered member of the Royal Town Planning Institute (MRTPI) and a director of McIndoe Urban Ltd. My qualifications include MA Urban Design (dist.); Dip Urban Design; BArch; BBS. I have 30 years professional experience.

4 As an established Wellington-based specialist urban design consultancy, we have assisted WCC over four decades in multiple roles as urban design consultants and advisers, resource consent design reviewers, on the waterfront TAG, and giving evidence in support of Council in hearings, in the Environment Court and at a Board of Inquiry. Urban design consultancy on district plans and design guidance is fundamental to our practice, and we've been working in this field since 1992. The

summary of our relevant experience is as listed in pages 2-5 of our urban design evidence of 16 March 2023 to Hearing Topic 2 – Residential.

5 Our 16 March 2023 evidence addressed the proposed guides in general, and the Residential Design Guide and the Centres and Mixed Use Design Guide in an integrated way.

Code of conduct

6 We have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. We have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence before the hearings panel. Except where we state that we rely on the evidence of another person, we confirm that the issues addressed in this statement of evidence are within our area of expertise, and we have not omitted to consider material facts known to us that might alter or detract from our expressed opinions.

Input into the process

7 We have been involved in intensive review including detailed submissions followed by evidence and participation in the expert urban design conferencing on the RDG and CMUDG.

8 In that conferencing we did not interrogate the detail of the “Introduction” section at the front of each of these two guides. We have not commented in detail on matters of application which are identified in the “Introduction” to each guide.

9 We append that previous evidence to the Residential hearings panel including our detailed submissions on the Residential and Centres and Mixed Use design guides. [RDG and CMUDG] and submissions on the design guides in general.

SCOPE OF EVIDENCE

10 We have referred to the Urban Design JWS and correlated the agreed statements and agreed conferencing outcomes with the latest design guides supplied by Council on 22 August. We have also read the S42A

report prepared by Ms Anna Stevens and the evidence of Dr Farzad Zamani (both dated 22 August 2023).

11 Content:

- Summary observations
- Design Guide Introduction
- Responding to context in the RDG and CMUDG
- Mana whenua sites of significance
- Detail of the design guides

SUMMARY OBSERVATIONS

12 We consider that contingent on some minor editorial adjustments as noted below, the RDG and CMUDG are now fit for purpose and suitable for inclusion in the District Plan.

13 The separate ‘Design Guide Introduction’ should be removed from the plan or if retained, renaming and include text which is clear about its status is required.

14 Multiple minor text adjustments which are required to give effect to the agreed position in Urban Design expert conferencing and/or as minor editorial interventions. These are identified in Tables 1 and 2 in this evidence.

DESIGN GUIDE INTRODUCTION

15 In our opinion and as per our submission, the separate “Design Guide Introduction” document should not be included in the District Plan.

- a. Retention of this in the Plan does not achieve the rationalisation of the Design Guides as requested by the submitters.
- b. If it remains then two design guide introductions apply, one being the “Design Guide Introduction” and the second being the “Introduction” in each design guide. This is confusing.
- c. Retaining this is not consistent with the principles articulated in the expert conferencing such as streamlining to remove duplication and overlap¹.

¹ JWS Page 11, Appendix 1. Observations recorded by Boffa Miskell.

- 16 This matter is covered in section 9.0 of the S42A report where the reporting officer reports that the urban design experts have recommended changes to the Design Guide Introduction.² We do not recall any detailed discussion in the expert conferencing on the Introduction as our submission was and remains that having two introductions leads to confusion, and that the separate “Design Guide Introduction” should be removed. Any discussion that may have occurred was not formalised, is not recorded in the JWS, and there was no detailed review of the content of that document. We confirm that conferencing agreed the design guides should be separate standalone documents. The implication of this is that the “Design Guide Introduction” should not apply to any application requiring application of the RDG or the CMUDG, and that should be made clear.
- 17 We note Dr Zamani’s evidence that the *“Design Guides Introduction chapter functions as a contextual background that explains the overall approach and includes the six overarching design principles”*³ This intent is reasonable. But it is relevant only to justifying the approach, rather than having an ongoing need to be in the District Plan. If it is proposed to be and is background, then this document has no bearing to the assessment of applications for consent and should be removed from the District Plan.
- 18 We are aware of Boffa Miskell’s advice that *“except for the Waterfront Zone, the District Plan’s policies and rules do not refer to this document (instead, they refer to individual design guides). On this basis, the contribution of the Design Guides Introduction to the complexity of the Plan may be more of an issue of perception.”*⁴
- 19 While accepting that advice, we are particularly concerned that this document includes text which implies even if it isn’t applicable, that it should be applied. Under the title “Design Principles” six city goals are identified followed by:

² Section 42A report, paragraph 72, page 18.

³ Evidence of Dr Zamani (22 August 2023) paragraph 24.

⁴ Recorded in Urban Design JWS, Appendix 4 – Design Guides Review Memorandum, prepared by Marc Bailey of Boffa Miskell. (Section 4.7, page 5 of Memo.)

These goals are used here as design principles that all new developments in Wellington should strive to meet. In the following section, the Council's expectations about what good design needs to achieve in order to meet each design principle are articulated.

Then in the section immediately below this under the title "Design outcomes" is the following:

Rather, the Council anticipates guidance to be interpreted and used appropriately by resource consent applicants and advisors, so as to achieve good design that meets the overarching outcomes and principles of these design guides. ("Introduction to the Design Guides" Page 3)

20 By themselves and in combination the use of terms such as "what good design needs to achieve" and "*good design that meets the overarching outcomes and principles" (our emphasis) implies that not only the outcomes and guidelines in the RDG and CMUDG are met, but also that the principles here are also met. This identified potential for misperception should be eliminated.*

21 In principle, however, if a document is not used as part of implementing the District Plan, it should not be in the District Plan. While our submission was that this document be removed from the District Plan and we remain of that view, if it were to remain the following changes are necessary:

- a. It could be renamed as "Design Guide Overview" This would accurately describe its role and eliminate an area of potential confusion with the "Introduction" in each design guide.⁵
- b. If the document is not renamed, the "Introduction" within each design guide should be renamed instead. "Introduction" in each guide could become the equally informative "Application". A consequence would be to change to the "Application of this Guide" subheading under that to "Applicability".
- c. Irrespective of the name of the document, wording should be included to be very clear about its status including modification of

⁵ Because it is referred to in the Waterfront Zone, then it might also be renamed the "Waterfront Design Guide". However, given its content is generic and it refers to broader issues, that may not be appropriate.

the text quoted above, and confirming that it is not to be applied in combination with the RDG, the CMUDG or any other design guide. This would also note that it is to be directly applied only to development in the Waterfront Zone.⁶

RESPONDING TO CONTEXT IN THE RDG AND CMUDG

- 22 In JWS conferencing the agreement was that the heading “*Responding to the natural environment in an urban context*” be removed and the outcomes and guidelines under that would all be under the heading “*Responding to context*”. While a new heading “*Responding to context*” with outcome O1 and guideline G1, that agreed position remains to be integrated in both the RDG and CMUDG.
- 23 The heading “*Responding to the natural environment in an urban context*” heading should be deleted, and O1, O2 and O3 grouped together under the heading “*Responding to context*” This agreed position has the following benefits:
- a. Retention of that heading would be an unnecessary complication and is inconsistent with rationalisation of the guides for greater efficiency and effectiveness;
 - b. Removal of that heading simplifies the document with absolutely no loss in content or effectiveness of content; and
 - c. The agreed “*Responding to context*” heading focuses the user of the guide on the need to consider all aspects of context in an integrated way.
- 24 In addition, the text of the advice note to O1 in both the RDG and the CMUDG has been written appropriately with a list of bullet points identifying the wide range of characteristics that are relevant to this matter. However, the introduction to that list should be edited as below to ensure that the header to the list accurately reflects its contents:

Unique valued characteristics ~~of the natural environment~~ in an urban context will vary depending on the site and the surrounding context. These characteristics may include:

⁶ In relation to that, our concerns in submission about unnumbered, overlapping and repetitive content remains.

- *natural features, including topography, landform, valued established vegetation, and water bodies;*
- *sunlight and wind;*
- *cultural context, including identified heritage and sites or areas of significance to Māori;*
- *neighbourhood characteristics such as streets, the movement network, and the network of open spaces;*
- *the use of neighbouring sites;*
- *existing and planned patterns of built form.*

MANA WHENUA SITES OF SIGNIFICANCE

25 Dr Zamani advises that throughout conferencing some experts “*have suggested the removal of provisions O6 and G12 on the basis that the District Plan comprehensively covers these matters*” and implies that there is expert urban design support for removing these provisions.⁷ Dr Zamani places this evidence under a title relating to “disagreements” and considers this to be an unresolved matter.

26 That is not correct. There is no disagreement, and the matter has been resolved as is recorded in the JWS. Removal would only be on the basis of **if** the District Plan already comprehensively covers the relevant matters. The “agreed conferencing outcome” was:

While it is important that this matter is addressed, this should not be included in the Design Guides if the matter is otherwise comprehensively and robustly addressed by other parts of the District Plan.

Noted that further analysis of the District Plan Sites or Areas of Significance to Māori (SASM) provisions identify that they do not provide for development adjacent to sites or areas of significance to Māori.

Amend guidance point as follows:

“Adjacent to sites or areas of significance to Maori identified in the District Plan, consider opportunities for the installation of place-based site interpretation that recognises the histories of Wellington’s Tiriti o Waitangi tangata whenua partners.”

⁷ Statement of Evidence on behalf of WCC (22 August 2023) Paragraph 25-28

27 WCC planners were asked at the 2nd conferencing session to advise on the text identified above in red. Following their advice (middle paragraph in blue above) given to the 3rd conferencing session, not only was the outcome confirmed but the guidance point amended to be more precise.

DETAIL OF THE DESIGN GUIDES

28 In addition to points raised above, we consider that some nuances of detail, and in some instances typo errors should be remedied. For simplicity we have tabulated our evidence on these matters in Table 1 for the RDG and Table 2 for the CMUDG:

- a. Paragraph numbering of evidence is maintained in the left-hand column of each table;
- b. the relevant Design Guide text is in the centre column; and
- c. the right hand column is our evidence and recommendation including where relevant content from the Urban Design JWS (in red or blue coloured font from the 2nd and 3rd conferencing sessions respectively).

TABLE 1: EVIDENCE ON POINTS OF DETAILED CONTENT IN THE RDG

	Residential Design Guide content	Our evidence
29	<p>Designing with topography <i>A site-specific response to design that works with the land helps maintain visual amenity and an authentic sense of place.</i></p>	<p>Text of the explanatory note under this sub-heading at page 5 of the RDG should integrate the agreed edit: Replace “helps maintain” with “supports”. This should read: <i>A site-specific response to design that works with the land helps maintain <u>supports</u> visual amenity and an authentic sense of place.</i></p>
30	<p>G6 Orientate residential units to face the street. <i>Residential units can be oriented to face the street by:</i></p> <ul style="list-style-type: none"> • <i>locating the principal entrance to the unit so that it faces the street;</i> • <i>locating active habitable rooms such as kitchens, dining rooms or living rooms so that they overlook the street.</i> 	<p>a. There are several issues here.</p> <ul style="list-style-type: none"> – The guideline text and first bullet should apply only to those units at or closest to the street, not to all units in a development. However the current wording does not recognise that. – This advice note is problematic for some apartment buildings. It should allow for apartment buildings, which because of possible end on to the street configuration, may justifiably have their entrance along one side of the building. Also it may not be necessary for other types of residential

	Residential Design Guide content	Our evidence
		<p>development, particularly the street-facing unit on a narrow site to have an entry facing the street when the second bullet point of the advice note also applies.</p> <ul style="list-style-type: none"> – There are successful instances on narrow sites where the front door is on the side of the unit but clearly visible from the street edge. This potentially entirely acceptable approach is precluded by the current wording of this advice. <p>b. Therefore, the following edit to this bullet point is recommended to allow for clarity and design flexibility to allow for different types of development on different types of site:</p> <ul style="list-style-type: none"> • <i>locating the principal entrance to the unit or units closest to the street so that it faces they face the street or are directly visible from the street;</i>
31	<p>G8 Where ground floor residential units front the street, provide individual pedestrian entrances from the street to each unit.</p> <p><i>There may be circumstances where it is not appropriate to provide individual entrances to ground floor units in apartment buildings.</i></p>	<p>The Urban Design JWS recorded:</p> <p>Use an advice note to explain that this may not apply to all types of apartment development.</p> <p>The advice note should be edited to be clear it relates only to units in apartment buildings. This could be with the addition of two words as below:</p> <p><i>There may be circumstances where it is not appropriate to provide individual entrances <u>such as</u> to ground floor units in apartment buildings.</i></p>
32	<p>G16 [regarding garage doors] <i>Note that this guidance point does not apply to garage doors that front a rear access lane that is not intended to provide the principle pedestrian access.</i></p>	<p>Typo error in the advice note: ‘Principle’ should be ‘principal’.</p>
33	<p>G33 Consider providing space and fixtures for open-air laundry drying</p> <p><i>Where designing for accessible units, consider the needs of disabled people, such as the functionality and height of when designing these spaces.</i></p>	<p>a. The Urban Design JWS recorded: There was disagreement about whether or not this guidance point should be included.</p> <p>b. We consider this guideline should be included, as providing for laundry drying is fundamental to residential functionality. As a ‘consider’ guideline, there is also openness as to whether open air laundry drying is included. That notwithstanding,</p>

	Residential Design Guide content	Our evidence
		<p>the guideline ensures there is scope for a conversation in design review.</p> <p>c. If not provided for in appropriate locations, such drying is often undertaken informally either within the dwelling and in view from the street, or on street-facing balconies. Alternatively, residents have no choice but to use mechanical driers with energy use/carbon cost implications. Neither of these outcomes are consistent with contributing to a well-functioning environment.</p> <p>d. The advice note text is incomplete and needs editing for completion. This may be completed to read: <i>Where designing for accessible units, consider the needs of disabled people, such as the functionality of laundry spaces and height of fixtures. when designing these spaces.</i></p>
34	<p>O17 Internal environments provide healthy, comfortable, convenient, functional and attractive places for their occupants.</p>	<p>a. The Urban Design JWS recorded: There was disagreement between the experts as to whether this outcome was relevant to urban design.</p> <p>b. We strongly support O17 as a fundamental, and possibly the most fundamental aspect of designing a high-quality residential building.</p> <p>c. While aspects of this outcome are covered to a minimum degree by the NZ Building Code, the fundamentals are established by the layout of internal spaces on site and within the building, so this is an essential consideration in site planning. In this instance, the Design Guide and the Building Code necessarily complement each other.</p> <p>d. Furthermore, achieving this outcome cumulatively contributes to attractive neighbourhoods and a well-functioning environment.</p>
35	<p>G34 Design new buildings to respond to valued patterns within the local built environment.</p> <p><i>Responding to valued patterns means referencing or acknowledging them as part of a design, not replicating existing architecture. It also means acknowledging the planned built environment, not just the existing built environment.</i> <i>Consider matters such as:</i></p>	<p>a. The Urban Design JWS recorded: Identify that the matters already set out in the advice note are matters that could be considered (where appropriate to the context).</p> <p>b. A simple edit to reflect the above is needed: <i>Consider, <u>where appropriate to context</u>, matters such as:</i></p>

	Residential Design Guide content	Our evidence
	<ul style="list-style-type: none"> • <i>architectural composition and roof form;</i> • <i>alignments of elevational features;</i> • <i>proportions of built form;</i> • <i>visual rhythm of frontage widths;</i> • <i>floor-to-floor heights;</i> • <i>materials, finishes and textures.</i> 	<ul style="list-style-type: none"> • [list of matters as at left]
36	<p>G35 [advice note] <i>As part of achieving design coherence and integration, carefully consider the ways in which elements such as canopies, verandas, balconies and building services elements are visually integrated into the overall architectural composition of the building. This includes considering the consistency of their quality with the quality of the overall building, alignment with key datums. Where existing adjacent buildings include canopies at the street edge, consider the relationship between new canopies and existing neighbouring ones</i></p>	<p>Two adjustments to advice note to G35 are required - addition of an ‘and’ in the second to last sentence for grammatical correctness, and addition of the full stop to the last sentence: <i>.....This includes considering the consistency of their quality with the quality of the overall building, <u>and</u> alignment with key datums. Where existing adjacent buildings include canopies at the street edge, consider the relationship between new canopies and existing neighbouring ones.</i></p>
37	<p>G38 [advice note] 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. <i>The more visible a building is, the more it contributes to the visual appearance of the streetscape and broader townscape. Consider the visibility of a building from surrounding public spaces, including at a distance. In particular, consider side and rear building elevations where development is taller than surrounding buildings.</i></p>	<p>The first sentence of the advice note should be edited to avoid a grammatically inelegant reference to views of views of the street (or town): <i>The more visible a building is, the more it contributes to the visual appearance of <u>impacts on</u> the streetscape and broader townscape.</i></p>
38	<p>G47 Internal storage Consider the need to provide an appropriate level of interior storage for each residential unit, based on its anticipated occupancy.</p>	<ol style="list-style-type: none"> The Urban Design JWS recorded: Noted that there was disagreement between the experts as to whether it was relevant to include this matter within the design guides. We consider G47 is essential to ensure that a fundamental aspect of a functional and high-quality residential building is appropriately considered. If there is insufficient storage in a building, storage typically spills into yards and/or balconies. Where that is visible from the public realm it becomes a visual amenity matter, impacting on the image and ambience of both the development and spaces around.

TABLE 2: EVIDENCE ON POINTS OF DETAILED CONTENT IN THE CMUDG

	Centres and Mixed Use Design Guide	Our evidence
39	<p>Designing with topography <i>A site-specific response to design that works with the land helps maintain visual amenity and an authentic sense of place.</i></p>	<p>As in the RDG, the text of the explanatory note under this sub-heading at page 5 of the CMUDG should integrate the agreed edit: Replace “helps maintain” with “supports”. This should read: <i>A site-specific response to design that works with the land helps maintain <u>supports</u> visual amenity and an authentic sense of place.</i></p>
40	<p>G8 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"> 1. integrates the means of accommodating the level change with the design of the building, its internal layout, and the adjacent street environment; 2. does not detract from the quality or accessibility of the adjacent pedestrian environment; 3. considers the need to provide accessible entry to the building. 	<p>The Urban Design JWS recorded: Reframe guidance point to focus on integrating of access from the street to the building: <i>“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...”</i></p> <p>Retain the first bullet point.</p> <p>Reframe the second bullet point to be positive.</p> <p>Delete the third bullet point.</p> <p>This agreed change has yet to be and should be integrated.</p>
41	<p>G13 When designing entrances and communal circulation spaces within the building, consider access for a range of different building users.</p> <p><i>Relevant matters when considering access will be based on the intended use of the building and may include:</i></p> <ul style="list-style-type: none"> • <i>the width of entrances and lobbies to accommodate wheelchair movements and turning;</i> • <i>providing for step-free entry where this is practicable;</i> • <i>accommodating the space requirements of cultural practices (such as the moving of tūpāpaku);</i> • <i>designing entrances so that they can accommodate large items of furniture and appliances, such as beds, couches and fridges.</i> 	<p>The Urban Design JWS recorded: Amend guidance point so that it only applies to residential development.</p> <p>That agreement has yet to be integrated. The text could read: G13 When designing entrances and communal circulation spaces within the a <u>a building that is for residential use</u>, consider access for a range of different building users.</p>

42	<p>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.</p> <p><i>Ways of minimising effects include:</i></p> <ul style="list-style-type: none"> • <i>locating parking areas away from private outdoor living spaces, living rooms and bedrooms;</i> • <i>using planting or fences to provide visual screening;</i> • <i>arranging parking areas so that vehicle lights do not shine into bedrooms or living areas.</i> 	<p>The Urban Design JWS recorded:</p> <p><i>Add advice note to emphasise that this applies particularly to local and neighbourhood centres (but not CCZ, MCZ or MUZ) (applies to the CMUDG only).</i></p> <p>Addition to the advice note is required to give effect to the expert agreement which was to ensure the guideline is applied only where required. This text could be:</p> <p><u><i>This guideline applies to development in local and neighbourhood centres but not in the City and Metropolitan Centre or Mixed Use zones.</i></u></p>
----	--	---

CONCLUSION

- 43 Contingent on minor editorial adjustments as identified in this evidence, the RDG and CMUDG are now fit for purpose and suitable for inclusion in the District Plan.
- 44 The separate “Design Guide Introduction” document should not be included in the District Plan, or if included then it should be renamed and include text that describes its status and application.



Graeme McIndoe
5 September 2023



Andrew Burns
5 September 2023