

**BEFORE INDEPENDENT HEARING COMMISSIONERS AT UPPER
HUTT CITY COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Upper Hutt City Council's
Proposed Intensification Planning
Instrument

Statement of Evidence of Jos Coolen

Urban Designer

6 June 2023

1.0 QUALIFICATIONS AND EXPERTISE

- 1.1 My name is Jos Coolen. I hold the qualifications of Master of Science in Urban Design and Planning and Bachelor of Science in Architecture Building and Planning from the University of Technology Eindhoven in the Netherlands. I am a National Committee member of the Urban Design Forum Aotearoa and an affiliate member of the New Zealand Institute of Landscape Architecture. I have over 9 years' experience working for environmental consultancies in the Wellington region.
- 1.2 I hold the position of Associate Principal Urban Designer at Boffa Miskell Limited, a national firm of consulting planners, urban designers, and landscape architects. I have held this position, located in Wellington, since March 2017. In this role, I have:
- prepared and peer reviewed urban design assessments for a number of resource consent applications for applicants and Councils including Upper Hutt City Council,
 - prepared design guidance related to residential design and centres design for Upper Hutt City Council and Kapiti Coast District Council,
 - co-authored the National Medium Density Design Guide for the Ministry for the Environment which was recently awarded a Best Practice Award for Strategic Guidance by the NZPI,
 - assisted city/district councils in the Wellington region with urban design input into District Plan policy, including the award winning Planning for Residential Amenity Study for Wellington City Council.
- 1.3 In recent years I have undertaken various pieces of work for Upper Hutt City Council to assist in matters related to Plan Change 50 and the Intensification Planning Instrument, including the Residential Character Assessment (2019), Medium and High Density Residential Design Guide (2021), Centres Design Guide (2021), Intensification Evaluation (2021) and advice on active frontages in the proposed centre zones (2022).

- 1.4 As a result of these various projects I am highly familiar with the residential and commercial context of Upper Hutt.

2.0 CODE OF CONDUCT

- 2.1 I have read the Code of Conduct for Expert Witnesses outlined in the Environment Court's Practice Note (2014) (Code) and have complied with it in preparing this evidence. I also agree to follow the Code when presenting evidence to the Independent Hearing Commissioner hearing. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses. I also confirm that I have not omitted to consider material facts known to me that might alter or detract from my opinions.

3.0 SCOPE OF EVIDENCE

- 3.1 My statement of evidence is in response to items raised during the IPI hearings by Kainga Ora and Mr Rae. This commentary covers the following matters:
- a) Benefits of a design guide
 - b) Response to comments made on the Upper Hutt Design Guidelines
 - c) Desirability of the High-Density Residential Zone boundary on the western (or northern) side of Fergusson Drive from Silverstream to the City Centre
 - d) Response to Planning Maps and montages in attachments D and E of Mr. Rae's evidence.
- 3.2 In preparing my evidence I have considered the following:
- a) Request per e-mails for urban design advice by independent planning consultant Mr Muspratt;
 - b) Suggested policy wording by Kainga Ora to replace the design guide as provided in the evidence by Ms. Blackwell on behalf of Kainga Ora (14 April 2023)
 - c) Evidence by Mr Rae filed on behalf of Kainga Ora (19 April 2023), including attachments.

d) Minute #6 Te Pānui Tuatahi of the Hearing Panel (18 May 2023)

4.0 BENEFITS OF DESIGN GUIDE

- 4.1 I understand that Kainga Ora is seeking to remove the Design Guides from the District Plan and for them to be treated as non-statutory guidance that sits outside the District Plan. In the place of the Design Guides, they seek to include a policy that specifies general design outcomes. Specific wording for this policy has been provided in the evidence by Alice Blackwell on behalf of Kainga Ora as MRZ-P12.
- 4.2 I consider that there are a number of benefits to having a design guide as part of the District Plan over high level policies. These relate to:
- a) Lack of local specificity in desired outcomes
 - b) Inefficiency of the application process
 - c) General limited understanding and knowledge of the benefits of good design and its contribution to a well-functioning urban environment
- 4.3 The Upper Hutt Design guides set a clear direction to achieving the specific outcomes that the city is seeking for its urban environment. Rather than fully relying on universal best urban design practice through high level policies, it provides guidance on how a developer can achieve built outcomes that align with a desired future urban form in the city.
- 4.4 From my experience, aiming to achieve good urban design outcomes by setting a high level policy direction is not only unclear about what the specific desired outcome is, it also leaves much room for interpretation, both from a developers perspective as well as from a Council's officers perspective. The potential difference in interpretation of what a desired outcome is of the policy can contribute to an unnecessarily time-consuming process. Differences in interpretation can also lead to inconsistent outcomes between different applications with different people involved.

- 4.5 An example of this is point 4 of the policy proposed by KO for MRZ-P12 “*Minimise the impact of driveways, manoeuvring and parking areas on the quality of the site and street, while ensuring safety.*” In my view, minimising the effect of something implies a need for mitigation of potentially poor design outcomes. E.g. would placing a sign in front of a drive way ‘minimise the effects’, where it would be a better outcome if it was better designed to start with, for example by keeping the number of driveways to a minimum, or not providing driveways at all if they are not needed.
- 4.6 While there are many good designers and architects in New Zealand, I consider that the overall urban design knowledge in the New Zealand construction industry is relatively immature and in my opinion it is reasonable to expect that high level policies will too often lead to poor design outcomes.
- 4.7 The policy MRZ-P12 proposed by KO states that its purpose is to achieve positive urban design outcomes and living environments. Even though high level policies might have valid intentions that follow universal best practice, I consider that they fail to explain what the benefits of ‘positive urban design outcomes’ are and why an applicant should consider them. In my opinion this contributes to difficulties for the applicant when interpreting these policies.
- 4.8 I consider that the role of a design guide is not only to provide guidance and to set clear direction for the applicant or assessor in terms of its desired outcomes, but it is also a tool that explains why design elements contribute to a well-functioning urban environment. This makes it easier for an applicant to interpret the outcomes desired by Council and explain the design rationale, especially when a proposed design differs from specific design guide elements. There often is more than one way to achieve a good outcome.

5.0 RESPONSE TO COMMENTS ON DESIGN GUIDES

5.1 I have responded to Mr. Rae's specific comments on the Residential Design Guide in the table below, referencing the points raised in section 9.3 of his evidence.

	Mr. Rae evidence	Response
9.3(a)	I am concerned with the S42A HRZ-P6 "Provide for and encourage medium and high density residential development that is consistent with the Council's Medium and High Density Design Guide in Appendix 1". What does it mean by consistent? The issues or design objectives / outcomes should be in the policy framework, enabling assessment assisted by the guidelines to be undertaken.	I suggest that this can be solved in the Plan by replacing the word consistent with "fulfils the intent of"
9.3(b)	The matters for assessment for non-compliance with a standard include reference to the matters in the design guide, however these matters are not specially listed. For example, non-compliance with height standard or HIRB standard – does this only require assessment against 6.2 built form and design "building mass and height" 32 to 37?	I have recommended including the addition of a requirement for the applicant to prepare a design statement This provides the opportunity for the applicant to explain which guidelines are relevant to the proposal and how these have been applied. A new section to this effect has been drafted into the Design Guide
9.3(c)	The typologies listed are not consistently used throughout the guide and there appears to be little relevance of listing these as some sort of definition. The multi dwelling housing / town houses, and multi unit dwelling, and high density / apartments are confusing, particularly as a multi unit dwelling could also be a high density / apartment.	I agree that the definition of multi-unit dwelling could lead to potential confusions. This has been removed from the revised Design Guide.
9.3(d)	The guide includes a heading "Mixed Use", but that is not part of the typologies.	As mixed use was not part of the matters of discretion in the Plan, the guidelines related to mixed use have been removed from the guide.
9.3(e)	The details included in the high density explanation in red at the bottom of page 3 of the Design Guide are not consistent with the provisions of the IPI as they include permitted up to 24.5m height (standard is 20m see Section 42a version) and for more than four units, where it should be four or more.	The reference to permitted height in the high density residential zone has been revised to 20m to align with the Plan provisions.
9.3(f)	It is unclear how the design principles matrix on page 5 of the Design Guide is intended to work. I would expect that access and car parking is critical to the future context of the streetscape, yet it has no mark to suggest it is required for consideration.	An explanation has been added to the top of page 5 explaining that the matrix identifies the key relationships between the Design Principles and the Design Elements. These align with the objective

		<p>icons that are references at the top of each design element section.</p> <p>A review of how the objectives apply to the design guide elements have resulted in four minor adjustments as highlighted in the revised Residential Guide.</p>
9.3(g)	<p>The text should be carefully reviewed to ensure simple, clear guidance. As examples, the text in the blue box headed "Setback and Frontage" on page 6 of the Design Guide mixes the relationship with adjoining public space with effects on adjoining sites (assuming a private neighbouring site). The two issues are separate and should have separate guidance.</p>	<p>The reference to overshadowing has been removed from the introduction.</p> <p>The guidelines predominantly focus on the setback and frontage related to the interface between public and private ('adjoining sites' do not necessarily always mean private sites). Potential effects on neighbouring private sites as a result of setback and frontage are covered by encouraging positive outcomes (frontage to the street or public space) rather than preventing bad outcomes (avoid fronting towards neighbouring residential sites).</p>
9.3(h)	<p>In guide 3, front yards should be kept to a minimum, but then goes on to talk about the different functions. It does not guide how to address the front boundary, or provide privacy for units that might only front the street for example.</p>	<p>Two new guidelines have been added on how to address the front boundary</p>
9.3(i)	<p>In guide 4, the suggestion to set back the upper storeys of a building of three or more storeys to maintain a human scale at ground level and increase privacy for upper storey units is concerning. It is generally accepted that streets with 6 storey buildings without setbacks can have an appropriate human scale (think Paris which is a 6 storey city). It makes little sense that privacy for the upper units would benefit from such setback. If such an outcome is desirable or required for a particular reason, is should be articulated as part of the planned built form and managed by a standard. Many of the section illustration included in the design guide have these suggested upper level setbacks. This would push building form further back in the site and create building complexities around water tightness which adds cost and while is an option it is not necessary. A repetitive building floor plate is desirable from a cost and construction simplicity perspective.</p>	<p>I agree that six storeys without a setback <i>can</i> have an appropriate human scale, but I consider that whether this is the case depends on its context.</p> <p>Firstly, I consider that a comparison with Paris is in this case irrelevant due to a significant difference in development history. Unlike Paris, Upper Hutt has no existing urban form that resulted from a comprehensive and city-wide plan consisting of a network of wide boulevards with street trees and consistent design.</p> <p>The existing context of Upper Hutt consists predominantly of single, and occasionally</p>

		<p>double storey buildings of a mixed character. The development of six storey apartments would likely stand out in the existing street character (or city centre). In my view it is fair to assume that for the foreseeable future the residential areas will be an area in transition'. Providing setbacks for upper storeys can soften the dominance of multiple storeys and contribute in the transition to a potential future state where multi-storey developments are no longer standing out as they would today.</p> <p>Secondly, the Design Guide does not advise on the extent of a setback for upper storeys as I consider that this also depends on its context, such as neighbouring properties, street width, presence of street trees etc. As such I consider that what the best design outcome is in any particular application for the applicant or the council planner or urban designer to assess.</p> <p>Thirdly, setting back upper storeys generally has the benefit of reducing wind effects on the ground floor. However, this is also best considered as a place-specific response.</p>
9.3(j)	<p>The frontage section does not require consideration of the streetscape context, for example providing no mention of building grain in response to existing patterns in the street. When is it appropriate to set a building back, or should it align with other elements neighbouring it? The front yard should also ideally be a meeting place.</p>	<p>References to existing street character were considered and purposely not included in the Guide as part of the prescriptive guidance elements as it is expected that any existing street character will likely be subject to substantial change in the future.</p>
9.3(k)	<p>Guide 7 is clear and a proposal with parking in the front of a building would not be supported. Guide 11 then suggests landscaping is used to prevent car parking dominating views from the street. A highly vegetated or fenced edge to the street (noting fencing is landscaping) is not desirable either, but given parking in the front of buildings is not acceptable,</p>	<p>Even though on-site car parking is generally discouraged, the Design Guide provides guidance for when on-site car parking is proposed and where any proposed parking will have to be in front of a building or has</p>

	does this guide relate to parking to the side of a building that might be visible from the street?	the potential to be visible from the street, such as on corner sites. This has been clarified in the guidance text.
9.3(l)	While the blue box talks about the impact of vehicle access on façade design, there is no guidance on this issue.	This has been removed from the blue box. I note that the dominance of parking facilities on building façade design is addressed as in the Garages guidance section.
9.3(m)	Diagram 4 on page 8 illustrates a driveway material crossing the public footpath along the street. This is an unacceptable outcome to be recommending in a guide. The pedestrians have priority, and the footpath surface should be continuous over which a car crosses over.	This has been revised in the revised guide.
9.3(n)	Guide 32 refers to physical dominance, however this is typically referred to as visual dominance. It is unclear when a building might cause shading or privacy effects and do they differ between the zones? Do these aspects need to be minimised if complying with height and HIRB? It could be more beneficial to discuss what might influence the location of building mass on a site, and how this may respond to key spaces on a neighbouring property that are more important for addressing privacy and sun access.	I consider that dominance or potential shading or privacy effects on neighbouring properties always need to be kept to a minimum.
9.3(o)	Guide 33 and 34 repeats the guide to set back buildings from the street which is unnecessary in the HRZ. What is the issue with building bulk in the HRZ? Why should it be minimised? What should the mass respond to?	Refer response to 9.3(i).
9.3(p)	The themes identified could be applied through the rest of the guide and apply to the guide for commercial zones.	Responses and revisions made in response to the points above have been aligned with the centres guide.

6.0 DESIRABILITY OF HIGH DENSITY RESIDENTIAL TO THE NORTH/WEST OF FERGUSSON DRIVE

6.1 As requested by independent planning consultant Mr. Muspratt I have reviewed matter '2.f' from Minute #6 by the Hearing Panel Chair which asks for *Comment on the defensibility or desirability of the High Density Residential Zone/General Residential Zone boundary being on the western (or northern side) of Fergusson Drive from Silverstream to the City Centre as identified by Mr Rae.*

6.2 In Attachment B of his evidence, Mr. Rae suggests to apply the HRZ to the north western side of Fergusson Drive to be [...]

consistent with the built form strategy of a consistent zoning both sides of Fergusson Drive [...]. No further reasoning for the application of HRZ north/northwest of Fergusson Drive appears to be provided.

- 6.3 Fergusson Drive is a significant transport corridor which, as a central spine, provides good connectivity to the majority of the city. From an accessibility perspective I consider that there is a benefit to maximising the number of people that have direct access to Fergusson Drive and to the different transport options that this corridor provides. Enabling high density along Fergusson Drive would contribute to this.
- 6.4 I disagree with the suggestion to enable high density along the north western side of Fergusson Drive to provide 'consistent zoning'. From an urban design perspective, consistency is achieved by a coherence and uniformity in the physical form, character, and layout of an urban area. This includes a clear logic in the pattern of a urban area. For example, it would be inconsistent if medium and high density zoning were enabled seemingly at random. However, I consider that there is a clear pattern if high density developments are only enabled on one side of the road and medium density developments on the other side.
- 6.5 This is not a unique concept. Different densities on different sides of a road is a common approach in many cities with high density developments, e.g. cities with a ring road around a centre often use the road to delineate between zoning and limit concentrated high density developments to one side of the road. This contributes to the legibility of a city and contributes to wayfinding for people travelling along the road.

- 6.6 In my opinion, enabling one row of high density developments along the north western side of Fergusson Drive would not necessarily contribute to a better urban form. Due to the generally irregular existing development patterns, consisting of different dimensions and shapes, development could potentially lead to a cluttered urban form, particularly in relation to the somewhat saw-toothed nature of the boundary with adjoining residential properties to the north/north western side of this single row of high density zone, as visible in the screenshots below.



Figure 1: UHCC proposed zoning (left) and KO proposed zoning (right)

- 6.7 Due to the somewhat jagged boundary between the properties along Fergusson Drive and the properties to the north/northwest this will demand more complex design solutions to ensure that the risk of privacy and visual dominance issues as a result of permitting higher densities immediately adjacent to a lower density are minimised. While this generally is not necessarily a major reason for concern and good design can minimise or prevent such adverse effects I consider that Fergusson Drive can be suitably used as a buffer between zones of different densities to reduce the potential risk of privacy and visual dominance issues.

7.0 RESPONSE TO PLANNING MAPS AND MONTAGES

- 7.1 As requested by independent planning consultant Mr. Muspratt I have also reviewed matter '2.h' from Minute #6 by the Hearing Panel Chair which asks for a 'comment from an urban design expert on the remainder of Mr Rae's evidence, particularly the Planning Maps in Attachment C and the montages contained within Attachment D of this evidence'.

Urban Form as a result of expanding the HRZ

- 7.2 Kainga Ora is seeking to expand the HRZ in various locations. I consider that the required quantity of enabled capacity depends on the projected demand for high density housing in Upper Hutt. As I have not reviewed this I will not comment on the need to enable more capacity for residential and business activity.
- 7.3 Ultimately, I consider that it will depend on the market if and where high density housing will be delivered. Enabling the possibility to develop higher density does not mean that this will happen in all areas.
- 7.4 From an urban design perspective, the predominant concern when assessing the suitability of the provided quantity of high density zoning is the urban form outcome that results from the enabled zoning. Generally, it is better to concentrate higher densities closer together than allowing higher densities to be developed more dispersed across an area that is larger than what can realistically be expected to be developed in the foreseeable future.
- 7.5 The benefits of clustering higher density developments together include:
- walkable neighbourhoods and the likely uptake of active modes of transport
 - a more vibrant urban life and social interactions
 - efficient and more sustainable land use
 - lower costs of providing infrastructure and public services
 - the ability to concentrate amenities, services and employment closer to more housing in a smaller area (and reduce transport needs as a result)
- 7.6 I can not comment on what the likely uptake by developers in Upper Hutt would be once high density zoning is expanded across larger areas, however I do consider that generally enabling more high density capacity than what realistically can be expected to be

developed could lead to a less concentrated, more dispersed, urban form that does not necessarily achieve the benefits as listed in the previous point.

HIRB study and Sun access analysis

- 7.7 I have reviewed the HIRB case study (attachment D), and Sun access analysis (attachment E), attached to Mr. Rae's evidence.
- 7.8 In theory I agree with the principle that concentrating the bulk of the development towards the front of the street and minimising side yards, akin to perimeter block developments, can result in a simpler and more efficient built form. This effectively results in units opening towards the front and rear and limiting outlook to the sides. I agree that this generally reduces the potential for privacy and shading effects, and results in a cleaner built form at a block level.
- 7.9 This plan change will predominantly affect existing urban environments that already consist of a variety of building style, form and site layout as a result of how residential areas in Upper Hutt have developed over time. Residential areas in Upper Hutt also consist of a considerable amount of infill, or rear lot development, that has happened over time and has, in most urban areas in Upper Hutt, compromised built patterns in urban form that may have existed in the past.
- 7.10 I consider that redeveloping existing residential properties into medium or high density will likely happen primarily on individual properties, or occasionally on a double site, if there is an opportunity to amalgamate. I consider that it will be highly unique for a developer to be able to redevelop a complete existing residential block into a perimeter block development as illustrated in Attachments D and E, or that all property owners in a block decide to redevelop within a short timeframe.
- 7.11 Instead, I consider that the urban environment in Upper Hutt will be an environment in transition for the foreseeable future that might consist of some higher density housing interspersed between existing lower density housing.

- 7.12 I agree with Mr. Rae that the examples shown in point 6.7 of Mr. Rae's evidence of six storey developments immediately adjacent to single storey villas are not good outcomes. I consider that carefully considered HIRB standards can be used to soften this transition. I also like to note that a breach of a permitted HIRB standard does not automatically mean a bad outcome. Not every six storey development will be adjacent to a single storey villa. Instead, a breach of the standards has a potential opportunity to result in a suitable, and perhaps even preferable and site specific, outcome, assuming design guidance is applied appropriately. On the other hand, enabling generous HIRB or height standards as a permitted standard provides a risk of inappropriate development occurring without the Council's discretion.
- 7.13 The HIRB case study and sun access study in Attachments D and E show a hypothetical application of the IPI HRZ, using 70% site coverage. Additional to my earlier point (7.9) that it is unlikely for a complete building block to be redeveloped at once, it is also unclear if this configuration has considered outdoor living space requirements. I consider that the provision of outdoor living space, particularly if provided as communal open space, will affect the ability for a development to reach 70% site coverage.
- 7.14 In my view, the provided shading diagrams that apply the standards as suggested by KO, illustrate a scenario that appears to have a more preferable outcome from a shading perspective than the example scenario that has applied the IPI standards. However, I also consider that both examples illustrate unlikely outcomes at a block level in an existing residential environment as it is unlikely that an entire residential block will be redeveloped within the foreseeable future and the provided shading models should therefore be considered with caution.

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