

## IN THE MATTER

The Resource Management Act 1991, Subpart 6  
concerning the Intensification Streamlined Planning  
Process

## AND

## IN THE MATTER

Hearings on an Intensification Planning Instrument,  
as a proposed plan change to the Upper Hutt City  
District Plan under the Resource Management Act  
1991, Schedule 1 Subpart 6.

# JOINT STATEMENT OF URBAN DESIGN EXPERTS (JWS 1)

11 July 2023

## INTRODUCTION

1. This joint witness statement relates to expert conferencing on the topic of urban design, as requested by the Panel in Minute #8. Participants in the conferencing were:
  - Nick Rae engaged by Kāinga Ora (NR)
  - Jos Coolen engaged by Upper Hutt City Council (JC)
2. The panel provided the following request which is the scope for this JWS:
  - *To assist us in understanding the opinions of the urban design experts in relation to the contents of this proposed amended Design Guide, we direct that Mr Rae, on behalf of Kainga Ora, and Mr Coolen, conference, only in relation to the contents of this Design Guide. We direct them to produce a Joint Witness Statement explaining where they are in agreement and, if they are unable to agree, the reasons for that disagreement.*
3. The conferencing was held on-line (Microsoft Teams) on the 4<sup>th</sup> July 2023, and again on the 10<sup>th</sup> and 11<sup>th</sup> July 2023.
4. We confirm that we have read the Environment Court's Code of Conduct set out in the Environment Court's Practice Note 2023. We have complied with the Code of Conduct in preparing this joint statement. Except where we state that we are relying on the evidence of another person, this evidence is within our area of expertise. We have not omitted to consider material facts known to us that might alter or detract from the opinions expressed in this evidence.

5. The primary data on which the opinions are based is:
  - The Council right of reply including the appendices being the current recommendation on the proposed zone provisions and design guidelines by the reporting planner Mr Muspratt, dated 9 June 2023;
  - The statement of evidence of Mr Coolen (6 June 2023) (Appendix C to right of reply);
  - The statement of evidence of Mr Rae (19 April 2023);
6. NR has considered the statement of evidence of Ms Blackwell (19 April 2023) ,particularly Appendix A containing tracked change version she recommends for the various zones.
7. JC has not considered the statement of Ms Blackwell. As the topic of this statement is the revised Design Guide, JC considers the planning context as this is agreed by the Council at the time of writing.

## **MATTERS COVERED BY THIS STATEMENT**

### **Overarching issues:**

8. NR refers specifically to paragraph 9.3 of his statement of evidence which states that his evidence does not list all the issues with the design guides, rather provides examples of the types of issues identified. The examples in this evidence focused on the residential design guide, and at paragraph 9.3(p) states that themes identified could be applied through the rest of the guide and apply to the guide for commercials zones.
9. NR advised that the scope of his work for Kainga Ora included reviewing the design guides and providing an opinion as to whether they are suitable to be included within the Plan, or support the Kainga Ora submission to remove the guidelines from being included as a statutory document.
10. NR considers that in general, the amendments proposed by JC to the two design guides are helpful, however the changes have focused only on the points raised in NR statement, rather than considering changes to the entire guideline as suggested in paragraph 9.3(p) of NR statement.
11. The conferencing involved significant discussion on guidelines where NR questioned the reasons behind the guidelines. NR considers that further work is required to align the guidelines to the objectives and policies if the guidelines are to be statutory and included in the Plan and provide guidance on design. The design principles if they are to be included should then be reconciled with the objectives and policies so there is clear linkage while providing a greater level of detail.
12. NR and JC agreed that it is difficult to develop design guidance without the policy direction being confirmed. NR and JC agreed that the guidance should be at a high level (rather than detailed requirements) due to the range of issues and environments that the guidelines might apply to.
13. The following issues are specific to the points listed in the statement of NR. These have been grouped under headings.
14. Please note that the numbering of the guidelines is different in the right of reply version, than the notified version that NR refers to. Where this is identified, this is mentioned within the commentary below.

ISSUE 1:	Alignment with Plan provisions	
FACTS / ASSUMPTIONS	<p>1. Refer to Section 9.3(a) of Mr Rae’s statement, which states:  <i>“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></p>	<p>2. Refer to Section 5.1 (9.3(a)) of Mr Coolen’s evidence (Appendix C to right of reply) which responds:  <i>“I suggest that this can be solved in the Plan by replacing the word consistent with ‘fulfils the intent of’ “</i></p>
	<p>1. Refer to Section 9.3(b) of Mr Rae’s statement, which states:  <i>“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></p>	<p>2. Refer to Section 5.1 (9.3(b)) of Mr Coolen’s evidence (Appendix C to right of reply) which responds:  <i>“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”</i></p>
AGREED POSITION	<p>3. The content of the revised design guide is dependent on confirmation of Plan provisions following the IPI process. We acknowledge that there are different options for the Plan provisions before the Panel in each of the zones which may result in a need to further refine or update the design guidance to align with these provisions. We have assumed that the Panel will agree that the Plan should require buildings to be assessed in order to meet the objectives and policies referring to, for example, “compact built form”, “ well-designed buildings” and “attractive place”. We agree that a Design Guide is a useful tool to assist with this assessment. We also assume that the Design Guide will assist in the assessment and determination when an application does not meet all standards of compliance. NR considers that this can be used regardless of whether the design guide is statutory or non-statutory.</p> <p>4. The exact wording in the District Plan zones as it relates to the Design Guides is outside the scope of this work and is a matter of separate resolution.</p> <p>5. The inclusion of a new section “Using this guide as a part of a resource consent application” is useful if the design guides are statutory. The guidance on providing a design statement as proposed is also helpful as it sets the expectation that the guidelines need to be met, or how an</p>	

	assessment deals with alternative solutions. If the design guide is statutory then it is assumed that the recommendation in paragraph 11 is undertaken.
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ISSUE 2:	Typologies	
FACTS / ASSUMPTIONS	<p>1. Refer to Section 9.3(c) of Mr Rae's statement, which states: <i>"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></p>	<p>2. Refer to Section 5.1 (9.3(c)) of Mr Coolen's evidence (Appendix C to right of reply) which responds: <i>"I agree that the definition of multi-unit dwelling could lead to potential confusions. This has been removed from the revised Design Guide."</i></p>
	<p>3. Refer to Section 9.3(d) of Mr Rae's statement, which states: <i>"The guide includes a heading "Mixed Use", but that is not part of the typologies.."</i></p>	<p>4. Refer to Section 5.1 (9.3(d)) of Mr Coolen's evidence (Appendix C to right of reply) which responds: <i>"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."</i></p>
	<p>5. Refer to Section 9.3(e) of Mr Rae's statement, which states: <i>"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.."</i></p>	<p>6. Refer to Section 5.1 (9.3(e)) of Mr Coolen's evidence (Appendix C to right of reply) which responds: <i>"The reference to permitted height in the high density residential zone has been revised to 20m to align with the Plan provisions.."</i></p>
AGREED POSITION	<p>1. Recommendation: Remove typology descriptions and photos from section 4 – this is because the guidelines are generally not specific to building typologies.</p> <p>2. Recommendation: Remove any references to mixed use from the guide</p> <p>3. The guidance should focus on the differences between dwellings that are at ground level such as a town house which includes ground and upper levels, versus dwellings that are above ground such as apartments. The icons should then advise which guidelines are relevant to the dwelling typology proposed</p> <p>4. Recommendation: Replace current typologies cross section with the below, which removes references to zones and height standards:</p>	

	<p>well, and from a shared corridor which connects to it</p> <p>Permitted (not covered by this Design Guide)</p> <p>Single dwelling (+ one infill dwelling)</p> <p>Infill (up to three dwellings of three storeys on one site)</p> <p>Dual occupancy (semi-) attached</p> <p>Terraced housing and town houses</p> <p>Multi dwelling housing</p> <p>Apartments and walk-ups</p> <p>Walk-up apartments (up to 4 storeys)</p> <p>High density residential flats / apartments (4 storeys or higher)</p>
	<p>5. Add a brief description explaining that guidelines with the associated typology indicator that is relevant to the proposed development apply.</p> <p>6. Page 2 (Design Guide Structure) to be updated to reflect this change.</p>

ISSUE 3:		Principles Matrix	
FACTS / ASSUMPTIONS	<p>1. Refer to Section 9.3(f) of Mr Rae's statement, which states: <i>"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."</i></p>	<p>2. Refer to Section 5.1 (9.3(f)) of Mr Coolen's evidence (Appendix C to right of reply) which responds: <i>"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 icons that are references at the top of each design element section. 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.."</i></p>	
AGREED POSITION	<p>1. Recommendation: Remove Matrix. Agreed that it is not critical to providing guidance. Where this was intended to clarify how principles are applied to guidance elements it was agreed that it does not fully serve that purpose and instead could cause additional confusion.</p>		

ISSUE 4:		Tone and clarity of text	
FACTS / ASSUMPTIONS	<p>1. Refer to Section 9.3(g) of Mr Rae's statement, which states: <i>"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..."</i></p>	<p>2. Refer to Section 5.1 (9.3(g)) of Mr Coolen's evidence (Appendix C to right of reply) which responds: <i>"The reference to overshadowing has been removed from the introduction. 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</i></p>	

		<i>fronting towards neighbouring residential sites).."</i>
	3. Refer to Section 9.3(h) of Mr Rae's statement, which states: <i>"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."</i>	4. Refer to Section 5.1 (9.3(h)) of Mr Coolen's evidence (Appendix C to right of reply) which responds: <i>"Two new guidelines have been added on how to address the front boundary."</i>
AGREED POSITION	<ol style="list-style-type: none"> <li>1. Both agree the insertion of Section 3 is supported, noting comments mentioned in Issue 1.</li> <li>2. In section 3, change '<b>A</b> design statement <b>will</b> include' to '<b>The</b> design statement <b>shall</b> include'</li> <li>3. The use of the word "<b>consistent</b>" in Section 3 will need to be confirmed and aligned with appropriate planning terminology.</li> <li>4. Agreed to remove phrases throughout the documents such as '<b>where possible</b>' or '<b>consider</b>' to provide clearer guidance on the issue. Section 3 enables an alternative for when a guideline is not met.</li> <li>5. Agree to remove the words '<b>on adjoining sites</b>' from the introduction text of section 6.1 (setbacks and frontage) as the intention of this section is the relation to the street or public open space.</li> <li>6. Support revision of guideline 3 and inclusion of guideline 4. Wording of guideline 4 to be revised to avoid ambiguity of what is considered 'tall'. To be replaced with a front yard guidance that provides a level of privacy to ground floor residential while maintaining a line of sight between the residence and the street to assist with passive surveillance.</li> <li>7. Guideline 5 to be removed as the intention of this guideline is now incorporated into the point above.</li> </ol>	

ISSUE 5:	Setback of upper storeys	
FACTS / ASSUMPTIONS	5. Refer to Section 9.3(i) of Mr Rae's statement, which states: <i>"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, it should be articulated as part of the planned built</i>	6. Refer to Section 5.1 (9.3(i)) of Mr Coolen's evidence (Appendix C to right of reply) which responds: <i>"I agree that six storeys without a setback can have an appropriate human scale, but I consider that whether this is the case depends on its context. 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</i>

	<p><i>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..."</i></p>	<p><i>consistent design. The existing context of Upper Hutt consists predominantly of single, and occasionally 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. 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. 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."</i></p>
	<p>7. Refer to Section 9.3(o) of Mr Rae's statement, which states: <i>"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?"</i></p>	<p>8. Refer to Section 5.1 (9.3(o)) of Mr Coolen's evidence (Appendix C to right of reply) which responds: <i>"Refer response to 9.3(i)."</i></p>
<p>AGREED POSITION</p>	<p>8. Agreed that the intent of the design guides is not to minimise bulk provided by the bulk and location standards in the Plan, but to minimise potential adverse effects that may arise from poorly designed buildings.</p> <p>9. Agreed that the wording in the guides (City Centre and Residential) can be improved to reflect that the high density developments that are enabled in the zone can have a positive contribution to the urban environment if well designed and appropriately manages the impact on the street and neighbours..</p> <p>10. E.g. in the City Centre Design Guide, Introduction text for bulk and form, Guidelines 22, 23, 25 the wording to be improved to change the tone to</p>	

	focus on reducing potential adverse effects, rather than reducing building bulk
DISAGREED POSITION	<p>11. NR considers that the setbacks to upper levels as included in the images could be a good outcome, but not the only outcome. Guidance on where a setback might be appropriate could be included to assist with where the building form should differ. This should be considered with regard to the NPS-UD Policy 3 (a) in the city centre “to realise as much development capacity as possible”. The diagrams and reference to them need to be reviewed to ensure they provide examples only.</p> <p>12. JC agrees that there may be situations where having setbacks of upper storeys can be an appropriate outcome and may only have minimal effect on visual dominance. This is considered to be place specific and depending on the context. The requirement of a design statement provides the opportunity for the applicant to explain why this guidance has not been met and why an alternative design solution is appropriate. JC agreed with the recommendation to add the word ‘indicative’ to the ‘explanatory diagram’ label in Section 2 (Design Guide Structure) to clarify that these diagrams do not necessarily illustrate the only good outcome.</p>

ISSUE 6:	Consideration of context	
FACTS / ASSUMPTIONS	<p>9. Refer to Section 9.3(j) of Mr Rae’s statement, which states: <i>“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.”</i></p>	<p>10. Refer to Section 5.1 (9.3(j)) of Mr Coolen’s evidence (Appendix C to right of reply) which responds: <i>“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.”</i></p>
AGREED POSITION	<p>13. Agreed that guideline 50 provides parameters that need to be considered as contextual design drivers that affect the design.</p> <p>14. Agreed that setback from the street and scale and bulk is dealt with in an earlier section and should be removed from this list.</p> <p>15. Consideration of existing grain in the surrounding area should be added to this list. We don’t expect the grain to be copied but, as influence to a design response should be considered.</p>	

ISSUE 7:	Parking and driveways	
FACTS / ASSUMPTIONS	<p>11. Refer to Section 9.3(k) of Mr Rae’s statement, which states: <i>“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</i></p>	<p>12. Refer to Section 5.1 (9.3(k)) of Mr Coolen’s evidence (Appendix C to right of reply) which responds: <i>“Even though on-site car parking is generally discouraged, the Design Guide provides guidance for when</i></p>



	<p><i>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, does this guide relate to parking to the side of a building that might be visible from the street?."</i></p>	<p><i>on-site car parking is proposed and where any proposed parking will have to be in front of a building or has the potential to be visible from the street, such as on corner sites. This has been clarified in the guidance text."</i></p>
	<p>13. Refer to Section 9.3(l) of Mr Rae's statement, which states:  <i>"While the blue box talks about the impact of vehicle access on façade design, there is no guidance on this issue."</i></p>	<p>14. Refer to Section 5.1 (9.3(l)) of Mr Coolen's evidence (Appendix C to right of reply) which responds:  <i>"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."</i></p>
	<p>1. Refer to Section 9.3(m) of Mr Rae's statement, which states:  <i>"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.."</i></p>	<p>2. Refer to Section 5.1 (9.3(m)) of Mr Coolen's evidence (Appendix C to right of reply) which responds:  <i>"This has been revised in the revised guide."</i></p>
<p>AGREED POSITION</p>	<p>15. Recommendation: that Guideline 7 (of the amended Residential Guide – guide 6 in the original Residential Guide) should remove reference to on street parking. Instead, this guideline should focus on the location and effects of the access into the site to maintain the functionality of the street.</p> <p>16. Guideline 7 referred to above is now Guideline 8 in the amended guide. Guideline 11 referred to above is now guideline 12 in the amended guide.</p> <p>17. Recommendation: Agreed with the suggested guideline 12 (of the amended guide) with the recommended addition of <b>'whilst maintaining visibility between the parking and the street'</b>. It is not appropriate to effectively create an inactive wall of vegetation along a street to hide cars, when considering safety and passive surveillance of both the street and the parking area.</p> <p>18. Agreed with removing impact of vehicle access on façade design from the introduction text on page 8 residential DG.</p> <p>19. Agreed with the revision of the diagram 4 (driveways crossing the footpath).</p>	

<b>ISSUE 8:</b>	<b>Dominance</b>	
FACTS / ASSUMPTIONS	<p>3. Refer to Section 9.3(n) of Mr Rae's statement, which states:  <i>"Guide 32 refers to physical dominance,</i></p>	<p>4. Refer to Section 5.1 (9.3(n)) of Mr Coolen's evidence (Appendix C to right of reply) which responds:</p>

	<i>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>	<i>"I consider that dominance or potential shading or privacy effects on neighbouring properties always need to be kept to a minimum.."</i>
AGREED POSITION	16. Guideline 32 referred to above is now guideline 33 in the amended guide. 17. Recommendation: to remove reference to visual interest and visual dominance from guideline 33 as this is dealt with in guideline 34. Guideline 33 should cover how to manage minimising adverse shading and privacy impact on neighbouring properties.	

ISSUE 9:	Overall	
FACTS / ASSUMPTIONS	5. Refer to Section 9.3(p) of Mr Rae's statement, which states: <i>"The themes identified could be applied through the rest of the guide and apply to the guide for commercial zones."</i>	6. Refer to Section 5.1 (9.3(n)) of Mr Coolen's evidence (Appendix C to right of reply) which responds: <i>"Responses and revisions made in response to the points above have been aligned with the centres guide."</i>
AGREED POSITION	18. Responses to the identified themes have been responded to in the individual issues outlined above.	

## ISSUES NOT COVERED IN THIS CONFERENCE

1. Policy / planning related matters

## PARTICIPANTS TO JOINT WITNESS STATEMENT

We confirm that we agree that the outcome(s) of the expert conferencing are as recorded in this statement.

11 July 2023



Nicholas Rae  
for Kāinga Ora



Jos Coolen  
for Upper Hutt City Council

