

Intensification and the District Plan

Issues and Options for Facilitating and Managing Intensive
Residential Development in Wellington City

Final Report

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1 Introduction

1.1 The Purpose of the Project

The purpose of the project, as expressed in the brief prepared by the Council, is to provide a report that discusses different RMA-based approaches to managing the quality and quantity of intensive housing within areas that are likely to be identified by the city's growth strategy as suitable for redevelopment, and from these different approaches, propose an approach that is appropriate to Wellington. The project will set the scene for subsequent, more detailed investigations related to likely District Plan changes.

Box 1 Study Scope and Objectives

Objectives

- *"Identify and summarise the key existing and potential regulatory planning approaches to achieving residential intensification in New Zealand (and lesser extent Australia).*
- *"Examine the relevance and appropriateness to the Wellington City context.*

Scope

- *"This is a brief report on potential approaches at a strategic level. It does not involve drafting of objectives, policies and rules etc. Its purpose is to inform policy development process and stimulate thinking on potential ways to achieve intensification. Further work will clearly be needed to develop the preferred approaches in due course.*
- *"The study should focus on regulatory approaches under the RMA 1991 but could include any relevant overseas examples where these are transferable to the New Zealand context. Where relevant, the study should not be confined to existing approaches and could identify innovative approaches as well".*

(Pages 2- 3, Project Brief)

1.2 Background to the Project

Wellington City Council is steadily developing a comprehensive and integrated approach to managing urban development. Work to date has identified the need to move away from an across-the-board approach to infill type development, to a policy of selective intensification. This approach has arisen out of:

- The Wellington Regional Strategy
- Urban Development Strategy 2006
- Promoting Quality of Place - a Targeted Approach to Infill Housing in Wellington City.

Adelaide Road and Johnsonville town centre are two examples cited by the Council (via the Urban Development Strategy) as areas of possible change, where intensification can occur at a reasonable scale. The two areas sit along the proposed growth spine – a concept for managing growth that is set out in the Urban Development Strategy. The growth spine stretches from the airport to the railway station and on to Johnsonville.

The extent of the areas of change within this corridor are yet to be spatially defined, but are likely to be based on the walkable catchment around the town centres that exist along the corridor. The walkable catchment extends up to 800m from the centre, but needs to take into account topography and linkages (the street pattern).

The approach of stopping or significantly limiting infill type development in some areas of the city is strongly supported by the community. If other experience across NZ is any guide, support for the associated policy of selective intensification will be much more qualified, with the quality of resulting development being a key determining issue as to whether such a policy is acceptable to the community in the long term.

To this end the Council wishes to understand possible regulatory approaches to manage intensive housing developments from the perspective of:

- Encouraging or enabling intensification in the right location
- Ensuring that the quality of development reflects community expectations.

The focus is on intensification in the suburban (non-CBD) areas to be identified as “areas of change” (essentially growth nodes) by the Council’s emerging urban growth strategy.

1.3 Methodology

The study has been based on a review of current and proposed regulatory approaches used in NZ, as well as in Australia and other countries. Within NZ, a number of cities and districts have had at least ten years experience in enabling and managing intensive residential developments, including:

- Auckland City, for example Residential 7 Zone and Residential 8 Zone provisions, as well as the Mixed Use zone that applies to former industrial areas
- Waitakere City – Medium Density Housing provisions, as well as new provisions for selected centres promulgated as part of the LG (A) AA changes

- North Shore City – Residential 6 Zone, as well as the mixed use nodes provided for in the city's structure plan areas
- Queenstown Lakes District Council – High Density Residential Zone
- Tauranga City – Residential 1 Zone, as well as proposals that are emerging from the regional-level Smart Growth strategy
- Christchurch City – High Density Residential zonings.

The following steps have been undertaken:

1. Confirm the scope of the study with Wellington City Council officers, in particular, the study areas within Wellington City ('areas of change'); and visit these areas to gain a clear understanding of their existing context and character.
2. A review of relevant studies which have been commissioned by Wellington City Council, including the documents: Promoting Quality of Place – A Targeted Approach to Infill Housing in Wellington City; Urban Development Strategy and the Wellington Regional Strategy.
3. Based on discussions with relevant Council staff, and a review of relevant documents, identify and confirm the outcomes which are sought for the areas of change, particularly in regard to the balance between quality and quantity of intensification and the role of mixed uses.
4. Undertake a review of relevant intensification approaches used and proposed within New Zealand, under the RMA. This will involve reviewing the relevant provisions of the District Plans for the cities and districts listed above.
5. Other research reports have been sourced, along with non-statutory guidance prepared on good design. For example, a substantial body of work is available on intensification as part of the review of the Auckland Regional Growth Strategy.
6. Relevant Council staff have been contacted to discuss their views of the approaches that they have been using, and their advantages and disadvantages, particularly in terms of what resources / skills are needed to successfully implement the approach.

1.3.1 Structure of the Report

The report is structured as follows:

- Section One sets out the background to the study
- Section Two discuss the Wellington City context
- Section Three describes current best practice in terms of medium density housing
- Section Four reviews current regulatory approaches in NZ
- Section Five discusses the implications of the above sections for Wellington.

2 The Wellington Context - Areas of Change

Wellington City is marked by a complex urban area. Its landscape, transport systems and history have combined to create a diverse and rich urban form. Any proposals for the redevelopment of the existing urban fabric so as to accommodate more intensive development have to fit in with this existing pattern, and ideally enhance it. An important starting point in developing appropriate policy frameworks is therefore understanding the existing character (or grain) of the city.

The physical form of Wellington is strongly influenced by the large harbour and steep topography providing natural constraints to development which encouraged higher densities in the original (inner) city. This was further reinforced by the town belt on the surrounding amphitheatre of hills which was part of the early city planning. Today the inner city remains relatively dense and accommodates the CBD, an eclectic mix of retail, commercial and industrial uses, and the original suburbs (some of which have considerable neighbourhood character). Brownfield type redevelopment sites are rare.

Outside of the town belt the topography is generally steep, and development is sited on a series of basins, valleys and ridgelines. Extensive flat areas are rare (e.g. Miramar and Island Bay). These outer areas comprise primarily low density suburbs built following the Second World War, along with pockets of industrial land, neighbourhood commercial centres, and some larger employment nodes including the Johnsonville and Kilbirnie Town Centres, and Wellington Airport.

Recent residential development (in the last ten years) has comprised significant apartment development in the CBD, low density greenfield development in northern suburbs (particularly Churton Park, Woodridge and Johnsonville West), and incremental backyard infill throughout the City. Significant development has also occurred in remaining vacant land in established suburbs such as Seatoun, Khandallah and Brooklyn. Overall there has been a marked increase in apartment and townhouse living, as there has been elsewhere in New Zealand during this time.

In general, the current urban form of the city has readily absorbed more intensive residential development. The strong landscapes, existing urban-style development patterns and the incremental nature of the redevelopment has meant that new development has not been too "visible".

However there are examples of more recent developments where due to the more substantial redevelopment processes involved (larger sites, bigger building envelopes, more concentrated development), the redevelopment process is altering the character of parts of the city.

It is universally recognised that good intensive development will only come about through a detailed analysis of the local context. To this end the Council has embarked upon place-based investigations for the likely growth centres along the growth spine, such as the

proposed Johnsonville centre plan. These investigations will have an important role in shaping the final form of management controls that apply, which may well vary from place to place.

At this stage in the policy development process, a broad appreciation of the fundamental qualities of the city is required so that the overall policy to be developed can be flexible enough to respond to individual situations, as well as be cognisant of significant constraints and opportunities.

Three possible areas of change along the proposed growth spine are Adelaide Road, Kilbirnie to the south of the CBD, and Johnsonville to the north. Photos of these areas are set out below. It is noted that the Council has not defined the extent of the areas that may be intensified.

2.1 Possible areas of redevelopment

2.1.1 Kilbirnie





Large retirement complex on the edge of the Kilbirnie Commercial Centre

2.1.2 Johnsonville





View northwards down Johnsonville Main Street. This area is dominated by large format retail uses, including the Warehouse, Woolworths and the Johnsonville Mall



Example of a new medium density infill development within close proximity of the Johnsonville Commercial Centre

2.1.3 Adelaide Road





A typical view of the eastern edge of lower Adelaide Road (northern end) – large format retail/ commercial uses at the street frontage with medium density housing beyond



New residential development on the western edge of the Adelaide Road area

2.2 Analysis

The three areas shown in the photos above share many similarities:

- They each contain a retail / business core which is relatively heavily developed for a suburban context. In other words, building coverage is reasonably high, with few if any vacant lots. In this context, further development is likely to involve redevelopment of existing buildings and activities, with an emphasis on multi-storey development
- The commercial areas display a range of street relationships and architectural styles. These span from the fine grain development pattern associated with narrow lot frontages and richly textured street environments of Kilbirnie, to larger monolithic structures associated with the 1970s and 80s development that predominates in Adelaide Road .
- Residential activities sit in close proximity to the commercial areas, and there are limited semi commercial transition areas, or older industrial areas that sometimes surround activity centres. In other words there are few brownfield sites. The residential areas around Kilbirnie and Adelaide Road display a strong sense of character, with buildings facing the street, narrow lot frontages and architectural styles from the pre war period. Johnsonville has more of a post war, suburban feel to it.
- The street network is relatively well developed, providing a walkable neighbourhood pattern. The centres all offer good access to public transport.
- The main amenity offered is the town centre and its mainstreet. Large green open spaces are few, except for Kilbirnie. The centres are not in areas that traditionally attract residential development, such as locations that offer sea views, or north facing slopes that offer sunshine and views of the wider Wellington landscape.

It is likely that redevelopment will mostly occur in and around the edges of the town centres. In considering how to shape intensification policies, the following issues are likely to be important to the community:

- Retaining the current sense of identity. This is not the same as retaining the current buildings, but rather ensuring that new development pays appropriate regard to the core elements of the existing built environment. This includes consideration of height and bulk, as well as street relationships and building elements, particularly the fine grain nature of the existing urban fabric.
- Retaining retail and business opportunities – ensuring that mixed use occurs. New development needs to enhance the public realm in the centres, and add to its vibrancy and diversity. There is a danger that commercial floorspace will be replaced by residentially-orientated developments, leading to a reduction in the diversity of the areas.

In considering how to shape policies so that they can work in with development opportunities and processes, the Council has completed some investigations of the market feasibility of redevelopment in and around the likely growth centres. The investigations looked at Johnsonville and Adelaide Road and noted a number of constraints on achieving the level of intensification sought by the proposed growth strategy.

It is noted in these studies that landholdings are generally small and fragmented. Development will either proceed by smaller infill type projects or need to involve the assembly of landholdings. Demand and supply factors indicate that the marketplace will need some certainty over zoning, density and ease of redevelopment, otherwise other areas of the city will prove more attractive to developers.

Matters that should be addressed were noted as follows:

- Ensure that residential development is at the forefront of Council's 'vision' for the centres. The report noted that the current town centre planning process makes reference to residential growth, but concept planning appears to be focused on commercial activity/roads etc. As a result, residents and residential developers are yet to be seriously engaged in the planning process. This could be achieved by widening the master planning canvass to include the 400 and 800m pedestrian sheds.
- Use the planning process to direct growth. As noted above, much of the residential land within the 400 m pedestrian shed has already been subject to some form of intensification. The objective now must be to re-direct new housing activity towards higher-density housing forms. In the view of the reports prepared, this will require Council to be more interventionist, and to:
 - Amend the district plan to create a special planning zone (or zones) for the centres
 - Place constraints on new building in the short term. As a minimum, this should involve minimum densities of 1:1-200 in the inner residential area
 - Introduce a comprehensive multi-lot development planning process
 - Specify a target for residential units within the commercial centre.

3 Intensification – Best Practice

This section of the report briefly reviews current best practice in terms of the design and layout of intensive residential and mixed use development, based on relevant guides and reviews. This is so as to set a context for the next section which reviews current regulatory controls.

To begin with, it is important to set aside the vexed issue of leaky building syndrome. The problems of leaky buildings are often associated with intensive housing developments, but it is a problem that is not confined to this type of housing. It is a problem associated with the use of particular building techniques. However, leaky home issues can quickly colour discussions of intensive residential developments.

3.1 Auckland Region

The experience of the Auckland Region (as summarised in the recent report *Growing Smarter: An evaluation of the Auckland Regional Growth Strategy 1999*) is an instructive place to start. This evaluation focuses on suburban-level intensification, as the CBD exhibits its own issues. Important points from the review are:

- Market take-up of intensive housing opportunities has probably exceeded initial estimates of demand, driven in part by rising land values, reduced housing affordability, changing lifestyles, as well as investment markets that have favoured property over other forms of investment.
- However take up is uneven across the region, with much intensive development located outside of the areas nominated for growth under the Regional Growth Strategy. The reasons for this are complex and involve lack of appropriate zoning opportunities in the identified growth centres, costs of redevelopment in these centres relative to other areas, more easily developed sites in other areas, as well as a preference by the market for locations that offer lifestyle, rather than transport, advantages. For example, there is an emerging preference for higher density development to be located adjacent to large areas of open space, rather than in close proximity to town centres and bus routes.
- The quality of outcomes also varies considerably. In many cases, internal amenity (the quality of the environment within a development site, such as building coverage, massing, open spaces, visual outlook, sunlight and daylight access) has been sacrificed to achieve density. Often, limited building height allowances, few development standards plus an initial reluctance to consider apartment type developments has resulted in a "squashed-up form" of urbanism. In response, some commentators have suggested that there needs to be a trade off between height and bulk, with an allowance for greater height in return for more space between buildings. This does not mean a modernist, "tower-in-the-park-model", but rather an acceptance that above street level some separation between buildings to provide for sunlight and daylight is appropriate and that taller slender buildings may offer a better outcome

than shorter "fatter" buildings that tend to occupy all of the envelope allowed for by the District Plan.

- In some cases there has been a loss of business and employment uses as residential development has taken hold in centres. In other cases there are lost opportunities to promote mixed uses.
- Despite the problems of low quality outcomes in some areas, occupier satisfaction can often be high, while the social / economic profile of owners and occupiers broadly matches that of the wider area. In comparison many residents in neighbouring suburban areas still see the higher density development as a negative that will depress house prices, overburden infrastructure and add to social problems by attracting the "wrong sort of people".

Figure 1 Location



In many situations, intensification has occurred in locations not anticipated as being suitable. In the above example, terrace type development has occurred on a sloping site on a cul-de-sac, some distance from the main road corridor.

In other places intensification has worked well, offering a high quality living environment close to shops and transport. More often than not, quality development comes from proximity to open spaces areas, views or similar desirable residential qualities.

3.1.1 NZ Wide

A review of medium density housing commissioned by Housing NZ echoed the above concerns about the form of development. The study observes that traditional housing forms are widely re-employed in New Zealand in modified forms and in compacted versions, both inside the house and in the site layouts, in many new developments. The report considered that quality medium density housing environments cannot be achieved by this strategy, and that the challenges of changing urban lifestyles, demographic shifts, and environmental conditions cannot be adequately met by this 'compacted suburbia' approach.

At the level of site-design, the review noted that medium density housing invariably involves a degree of compromise. This is a consequence of building at higher density levels than traditional suburban housing while seeking to address multiple objectives. These objectives include the mix of house types, car access, privacy, security, interface with the public domain, and construction costs. No single design factor determines best practice.

Other reviews for North Shore City and Queenstown Lakes District noted similar issues. Development standards and market economics are tending to see developments that maximise development envelopes, thereby creating large building masses that significantly alter street scenes. There is insufficient modulation and variety of facades and other building elements, a lack of diversity in the housing product, and often poor internal amenity and limited garden space. In turn, these effects are leading to questions as to the long term sustainability of the environments being created, and whether they will see a long term process of decline and decay as investors fail to maintain the developments, owner occupiers move out, and the developments focus on a more transient market.

Having said that, there are also many positive examples where intensive housing has helped to create new urban environments that offer housing choice and bring about urban efficiencies. Developments such as Harbour View in Waitakere and Addison in Takanini are such cases. However what distinguishes these areas from others is a developer who places a premium on design and who has the resources and landholdings to take a comprehensive, master planned approach. In other cases, good quality outcomes are driven by basic market forces. High land values and desirable locations (coastal areas, near high quality reserves) combine to create conditions that are conducive to good design.

Figure 2 Site design



This development is in Ponsonby, close to the inner city. Limited controls relating to on-site development has lead to a very concentrated form of development, arising in part from the small land parcel involved, and its configuration (limited road frontage)

In contrast, Harbour View is a more suburban-styled development where a comprehensive approach allowed for a appropriate arrangement of lots and streets, providing for better on-site development

An example of mixed use development along a main road. In these areas vertical separation between the residential unit and the road assists with liveability, while ensuring that the ground level street frontage remains activated.

3.1.2 Australia

Australian examples can provide additional information on possible approaches, but they need to be considered within the State-led, discretionary planning system that operates in most Australian States.

In New South Wales, after much controversy over the design of residential redevelopments, the State initiated the "Design Quality for Residential Flats" programme. This programme sought to improve the design quality of flat developments of three storeys or more, and containing four or more dwellings.

The program was established to implement the key recommendations of Achieving Better Design - Residential Flat Developments in NSW, the report of the Urban Design Advisory Committee in response to the Premier's Forum on Residential Flat Design in March 2000. This forum brought together developers, government representatives, architects and other industry professionals to consider ways of improving the design quality of residential flat buildings.

The core element of the Design Quality Program is State Environmental Planning Policy (SEPP) No. 65 and a design code.

The design code breaks down the design of multi-unit development into a number of components in a way not dissimilar to Wellington City's design code (see Box 2). A significant recommendation out of the Urban Design Advisory Committee was to strengthen the need for a sound context analysis prior to detailed site and building design.

The State Planning Guidance works hand-in-hand with the guide. The guidance strengthens the ability of Councils to refuse badly designed development, and to ensure that a more thoughtful design process to followed. For example, Under the SEPP 65 scheme, Councils and other consent authorities require that a registered architect verify the design, construction certification and occupation certification of residential flat developments.

Architects have to be registered as an assurance to the public that architectural services will be delivered by persons with the appropriate qualifications, skills and professional integrity.

Box 2 Elements of NSW Design Code for Residential Flats

Part 01 - Local context

This section outlines the importance of the local context in shaping residential flat design. Appendix 4: Local Context Analysis provides more detailed information on individual topics relating to local analysis and residential flat buildings.

This section also explains the concept of building types as a tool for testing development controls and illustrating the desired local character. It defines and demonstrates the application of primary development controls and shows how to coordinate these controls to deliver the desired outcomes.

Part 02 - Site Design

This section addresses the residential flat development site and its relationship to the adjacent context. It explains site analysis and illustrates the concept using a case study. This section also provides design

guidelines for improving site design, which focus on sustainable design, landscape design, residential amenity and the design response in relation to the adjacent context (immediately adjacent buildings, lots and streetscape).

Part 03 - Building Design

This section addresses the residential flat development building. It provides design guidelines for improving building design. The guidelines focus on building performance/functionality, form, layout, sustainability and residential amenity.

The Design Code includes best practice benchmarks for sustainable design in parts 2 and 3. Planning NSW will be releasing the Building Sustainability Index (BASIX) in late 2002, which will provide more detailed technical information on these topics.

More recently, the State has issued planning schemes for several of the main sub regional centres in NSW. These planning schemes include development controls that are organized by zone, as well as by street type. The street type helps to determine controls related to building height and frontage elements (set back, length of building, street interaction etc) among others. This is an approach that is also being taken up by Waitakere City for its growth centres.

3.1.3 UK

Turning to the UK, the Commission For Architecture and the Built Environment has been very active in promoting good design. In an audit of recent housing developments in part of the UK, the following weaknesses were uncovered:

- Place making: Many of the poorly performing schemes failed to create a sense of place. They did not take advantage of their surroundings and fit the local context, nor did they create a sense of identity or a distinct character
- Layout: Schemes frequently had a poorly structured layout, leading to a poor quality streetscape, a lack of distinction between public and private realms, and a development that was difficult to navigate
- Public realm: Dominant roads and poorly integrated car parking resulted where the highways design dictated layout, rather than the buildings. Public open space was often poorly designed or maintained.

Under the heading "Getting it right", the review noted the following four lessons for how the development process supports or undermines the creation of high-quality developments:

- Good or better design will result where at least one agency – landowner, local authority, social landlord or developer – has strong aspirations for achieving good design, and the resources to deliver it
- Collaboration creates the potential for good design but only if the urban design skills exist in one or more of the partners
- Development frameworks, briefs and masterplans are a necessary condition for delivering good design but they are not enough on their own

- Highway (road) design can have a negative impact on design quality when considered in isolation from a strategy for place making.

Figure 3 Street interfaces



Achieving a quality street interface is a critical issue to address. High walls, provided in an attempt to offer some privacy, result in a degraded street scene.

Here on the fringe of Takapuna in North Shore City, a more interactive frontage contributes to the street scene, with private yards to the rear.

3.1.4 Current Wellington City Experience.

Wellington City operates what may be termed a “discretionary” approach to the control of multi-unit development within its District Plan. In the residential zone, the construction, alteration of, and addition to residential buildings, where the result will be three or more household units on any site is a Discretionary Activity (Restricted) in respect of:

- design, external appearance and siting
- site landscaping
- parking and site access.

Multi-unit developments are generally required to meet the permitted building standards, or risk being elevated into a higher activity class (generally discretionary unrestricted). The standards in the Inner Residential Area are less restrictive than normal residential zones, reflecting the elevated densities. The main standards in the Inner Residential Area to note are:

- Maximum height 10m (8m in Outer Residential Area)
- Maximum site coverage 50% (35% in Outer Residential Area)
- Less restrictive height recession planes dependent on the orientation of the boundary (2.5m + 45° in the Outer Residential Area)
- 1m front yard setback, and one 1m side yard must also be provided

- One on-site car park per household.

Assessment criteria refer to the multi-unit design guide. The Plan describes the Guide as follows:

“Although multi-unit residential development provides desirable variety and diversity of accommodation, it can detract from the visual character or amenities of residential neighbourhoods. The Design Guide for multi-unit development provides the criteria for assessment. The general intention of the Guide is not to impose specific design solutions but to identify design principles that will promote better development and enhance existing suburban environments”.

3.1.5 Council Perspective

As part of this project, interviews were held with eight council staff (policy planners, consents planners and urban designers) involved in the planning process to understand how the current provisions work at a development proposal level, and how future planning for “areas of change” might be achieved through the District Plan process. The main issues to emerge from those discussions are addressed under the headings below.

Multi-Unit Design Guide

The Design Guide is seen as an important tool in Council’s current regulatory approach. Consistent feedback was received from Council urban designers and planners with regards to its value, but it was generally felt to be too prescriptive, placing emphasis on details rather than a good overall design outcome. In particular, the existing guideline requiring 50m² outdoor space per unit was criticised for being too prescriptive.

Also, it was thought that architects/ applicants had responded to the Guide by focusing on “ticking boxes” rather than pursuing good urban design principles. There was also a feeling of frustration that Council had been hamstrung by proposals that met the design guide but were poor in terms of urban design, and conversely some good proposals that did not meet the guidelines have had to be turned down.

A more “outcome focused” design guide was suggested. This would focus on general urban design principles such as context, relationship to the street and adjoining properties, ensuring sufficient daylight/ sunlight access etc. The recent Central Area plan change was cited as a potentially good example to follow – new buildings are subject to outcome focused design criteria which link strongly back to the objectives and policies.

Taking this a step further one urban designer suggested the idea of requiring a “design rationale” to be prepared for multi-unit development. The design rationale would be based on the “enquiry by design” approach taken by most designers/ architects in the design process and would become a key element in justifying a proposal.

Place Based Provisions

Overall, the Suburban Centre provisions were regarded as too general, and therefore not responding to the different centres – each having different character, density, propensity for change and ability to accommodate density. For each of the areas of change, detailed place-based planning needs to take place so that specific provisions can be developed. It

is our understanding that Council has already advanced work on Adelaide Road and Johnsonville.

There was a consensus amongst all staff interviewed that in the “areas of change” there needs to be specific place-based provisions. This position is driven by staff experience with the existing “Suburban Centre” provisions which apply across centres throughout the city (and on all of the likely “areas of change” – e.g. Kilbirnie, Adelaide Road, Johnsonville and Tawa). These provisions are regarded as too general and therefore not responsive to the specific local contexts.

The existing character area provisions for Thorndon and Mt Victoria were raised in this context and overall it was thought that this type of approach (with specific rules and standards governing built form and the number of household units on a site) could work quite well, subject to the provisions being incorporated clearly into the District Plan.

The Suburban Centre rules are also regarded as too loose. Currently almost any activity can establish without requiring resource consent subject to meeting the permitted activity standards. This is a true “effects based” approach and has been seen as a way of encouraging the market to deliver diverse, mixed-use type environments. However, as evidenced from experience throughout New Zealand (see Section 4 below) it is now recognised that creating these environments requires a more active/interventionist role. Whilst there have been some good outcomes in Wellington, in a number of suburban centres large “big box” retail developments have established and these generally do not encourage high levels of visual amenity, pedestrian connectivity or human scale environments. Consequently Council recently introduced Plan Change 52 requiring developments with a gross floor area greater than 500m² to gain a restricted discretionary resource consent.

Going forward, it was mostly agreed that a more targeted and activity based rule set would be more effective in encouraging the types of activities wanted in suburban centres (generally residential, retail, community activities and the like).

Flexibility Vs Prescription

Tensions exist between the need for both flexibility and guidance in planning for residential development – particularly in urban design.

Flexibility allows for proposals to be considered on their merits on a case-by-case basis. The urban designers spoken to were particularly keen for flexible mechanisms in order to give applicants some “design license”, and to give themselves a wide brief in assessing applications. At the heart of this is the paramount importance of context in urban design.

Conversely, in the language of the RMA, consent planners seek greater guidance and clarity as what design elements are critical and therefore when effects should be “avoided”, and which design elements, while desirable, can be “mitigated”; which implies a degree of compromise or trade off. Guidance is generally applauded by landowners also, as it gives them a degree of certainty about what they and their neighbours can/cannot do with their property.

Whilst urban designers were keen on flexible provisions to allow for creative development it was generally recognised by those interviewed that bulk and location type standards are

necessary to send a signal to landowners (and neighbours) about the intensity of development anticipated in an area so as to protect neighbourhood amenity.

3.1.6 Summary

It is apparent from the NZ and Wellington City experience that the quality of intensive development, and whether it is located in the right area, is dependent upon a range of factors, including:

- Land market conditions and pressures, including incremental versus comprehensive redevelopment options
- The range of opportunities across the city available to developers
- The consent process that applies and the degree of certainty over outcomes
- The extent and quantum of development / financial contributions
- The performance standards and assessment criteria that apply
- The extent to which a negotiated, design-based approach can be followed that is focused as much on achieving good outcomes, as it is about stopping bad outcomes.

In other words, RMA-based influences, while important, are far from the only influence on the quantity and quality of development. It is also apparent that there has been a general trend away from a “liberal / enabling” regulatory approach to an approach that is much more definitive about acceptable and unacceptable outcomes. Within this general trend, Councils are adopting a range of techniques to promote good outcomes.

Techniques cover both regulatory and non-regulatory, with often a package being used, and so to be useful, it will be necessary for Council's policy development process to look beyond regulatory techniques to also consider the extent to which they can work with and be compatible with non-regulatory approaches. In this regard, a critical issue is the connection between consent processing and statutory requirements, and the capacity of development control processes to accommodate more discretionary, design-based review processes.

At a higher level, many plans are now beginning to focus on area-based planning exercises that precede and provide the appropriate framework for district plan provisions. The quality of these area-based plans is very important in shaping appropriate regulatory responses.

Overall a more targeted approach was supported by staff interviewed, particularly drawing on the following experiences with the existing District Plan:

- The existing Suburban Centre zone provisions are used widely across the City and are too loose and general (do not encourage certain activities or reflect the different suburban centre contexts)
- The existing character area mechanism works well (although the design guides that accompany them must not be too prescriptive)

- Structure/ master plan approaches work well so long as the outcomes sought are well defined.

4 New Zealand Regulatory Case Studies

4.1 Introduction

As outlined in the introduction, part of this study has been to review existing approaches to managing intensive development under the RMA framework that operates in New Zealand.

All plans use zoning to direct where intensive housing should occur. Where plans differ is the extent to which they use qualitative assessment criteria versus quantitative development standards to manage the design of development. Many plans use both techniques, but the balance between them varies.

The next section looks at typical district plan provisions in terms of:

- Zoning
- Activity status
- Mix of uses
- Development standards
- Assessment criteria.

4.2 Overview

The standard RMA approach of assigning activity status via rules and standards and then assessing the application through sets of relevant criteria is the most prevalent being used in New Zealand at present to control residential intensification. As outlined above it is also the current approach being used in Wellington City to control multi unit development. This approach seeks to assess resource consent applications on a case by case basis rather than predetermine development patterns through a masterplan or such like. Of the New Zealand case studies reviewed this approach is applied in the following zones:

- Auckland City Mixed Use, Residential 7 and Residential 8 Zones;
- Christchurch Central City Edge and Medium Density Zones;
- North Shore City Residential 6 Zone;
- Tauranga District Residential A Zone ; and
- Queenstown Lakes District High Density Residential Zone.

Notwithstanding, there is varying emphasis in each case on the rules, standards and assessment criteria. Some approaches for example have very detailed rules which anticipate certain activities and assign activity status accordingly, whereas other approaches permit any activities subject to meeting standards (more an “effects based” approach). The different approaches are traversed below.

4.3 Zoning

4.3.1 Specific Zoning versus General Provision

All of the approaches reviewed use zoning to direct more intensive residential development to appropriate areas. The basis of the need to direct higher density development to specified locations is driven by:

- The need to signal where multi-unit development is unlikely to “work” in character, landscape and/or urban form terms;
- The need to signal where high density development should occur ;
- The desire to co-locate multi-unit development adjacent to town centres and transport routes.

Some plans create specific high density zones, while others (like Waitakere and Manukau) used a form of overlay. Wellington City’s approach of a Restricted Discretionary Activity status in both the Inner and Outer Residential Zones is one of the more liberal approaches.

The extent to which the zoning pattern has actually assisted with directing residential intensification to the nominated zones often depends upon how “leaky” other zones are. For example, when first notified many first generation district plans took a liberal approach to development in industrial areas, with few activity controls or development standards. In many cases, consent for multi-unit development in these areas was much easier than in residential zones, and so developers often concentrated their efforts there. In other cases the rules applying in other zones provided a potentially less risky route for multi-unit development, such as through the amalgamation of sites to allow for a comprehensive development to occur in a low density residential zone.

In response to community concerns, as well as design-based investigation processes that often precede rezoning, the number of higher density zones has increased substantially. That is, zoning is moving away from a broad-brush approach where the same zone is applied to a range of areas within a city (with site-level variations handled through consent processes), to where zoning is tailored to a specific area, and in some cases specific sites.

In general, higher density zone objectives and policies acknowledge the need for the relevant zones to accommodate more intensive developments close to amenities and services. There is also an emphasis on achieving good quality design. However, it is evident that plans are often less than clear when it comes to what constitutes good design. This partly reflects the fact that many plans were developed in the mid 1990s when urban design principles were less widely understood, but also the concern at the time that plans should be effects-based. Tensions can exist within policies relating to:

- Protecting existing amenity, while encouraging more intensive redevelopment. Rarely do plans speak of a future character being developed. Mostly they discuss the need to fit in with existing character and to avoid or mitigate adverse effects. This immediately sets up a conflict over the objectives of the zone (change versus protection).
- Internal versus external amenity. Many plans concentrate on the management of the external amenity effects of development, such as whether development may dominate existing development, and basic layout issues associated with parking and access. The quality of the environment within a development is often left to the market place, with few if any controls on site coverage, landscaping, private open spaces, except where these relate to boundary interfaces.
- Street versus neighbours. Relationships between buildings and streets were often not identified as being important, resulting in multi-unit developments that “turn their side to the street”, and / or place high walls between the development and the street. Only recently have plans begun to acknowledge the importance of the public / private interface.

A critical test is whether policies provide sufficient guidance as to when consent should be withheld. In general, relevant policies are often too general to provide such guidance.

4.4 Mixture of Uses

Provision for mixed-use development in each of the zones was varied. This reflects the varying purposes of each zone studied. The Auckland City Mixed-Use and Christchurch Zones provide for nearly all residential and non-residential activities as permitted subject to meeting standards – i.e. an effects based approach. However, the flipside to this approach is that unanticipated activities with unanticipated effects may be able to locate as permitted activities, and this may undermine the purpose of the zone.

Accordingly, most of the zones such as the Auckland City Residential Zones, Tauranga Residential A Zone and North Shore Residential 6 Zone take the approach of specifying activity status to particular activities, and then providing a default rule for unanticipated activities (normally full discretionary or non-complying status). This is a more cautious approach designed to minimise risk, but can also restrict activities which are unanticipated but may add to the mixed-use environment being sought.

Activities considered to be compatible with residential uses are generally seen to be:

- Child care and similar day time activities aimed at the domestic sector
- Offices
- Small retail
- Cafés.

Issues arise with activities that may emit significant noise, result in after hour activities, air quality concerns are seen to be incompatible.

4.5 Activity Status

Most plans stipulate the need for a resource consent to be obtained to build multi-unit development. The exception would be the Tauranga Residential A Zone and Christchurch City zonings, where development, subject to compliance with development standards, may be a permitted activity.

Activity status is conferred in a number of ways:

- The more general approach used by Christchurch City Council in their Living 3 (Medium Density) and Central City Edge Zone. With a few minor exceptions these zones provide for any activity as permitted subject to meeting the zone standards. This approach is typical of early District Plan approaches when pure “effects based” planning was widely used. Assessment criteria are normally also general and triggered by the infringement – e.g. assessment criteria specific to height infringements. This approach places all the emphasis on the standards as to whether consent is required or not. This general approach can be perceived as lacking in guidance for both Council officers and applicants, thereby creating uncertainty in the resource consent process.
- In recent times many Councils have abandoned the general approach because of bad design outcomes and inability to control unanticipated activities with incompatible/ unanticipated effects. In particular this has been the case with higher density, multi unit developments which complied with the relevant bulk and location standards but resulted in poor urban design outcomes. Many Councils have responded by introducing rules where if a certain number of units are developed consent is required, or any new building requires resource consent (in both cases discretion is generally reserved over design matters). For example in the Auckland City Residential 8 Zone any new building or external additions requires a controlled activity consent, and in the North Shore Residential 6 Zone more than five residential units on a site requires discretionary activity consent.

It is apparent that those Plans providing for multi-unit development as a controlled activity have not provided a sufficiently robust framework within which to manage development, and many Plans are now moving towards a restricted discretionary activity status for multi-unit development, on a non-notified basis. In this regard, Wellington City is well placed with their current activity status for developments of three or more units.

4.6 Development Standards

Development standards are generally used to control the core bulk and location (massing) of multi-unit development. Exceeding the stated development standards generally results in the need for a “higher-order”, more complex resource consent. They therefore can strongly shape development patterns.

The use of development standards to control multi-unit development - when it is generally held that design-based responses are the most appropriate – is an issue discussed below.

The prevalence of development standards appears to partly reflect:

- The way that District Plans have traditionally been structured
- Higher density residential areas being seen as a form of more compact suburbia
- The need to offer some certainty to neighbours and residents about what form of development may result.

There is no conclusive proof as to whether the use of development standards leads to good or poor quality development. An often cited complaint of developers and designers is that development standards are too rigid and prescriptive, and instead outcome-based statements should be used, providing flexibility over the means of achieving the outcomes. Equally though, the use of a few minimum standards and reliance on assessment criteria can result in very poor quality development, and there are plenty of examples across the country in this regard.

The level of community involvement in the planning process, as well as the planning system that operates in NZ means that development standards are always going to exist. It is unlikely that a purely discretionary, negotiation-based development control system (as operates in the UK), will be able to be justified in NZ. In this regard, it is notable that the UK struggle with the same issues present in NZ.

In this context it is important to note the role that development standards play in terms of establishing an expectation of the level of development in an area, and also in creating a baseline for notification decisions - i.e. a new development may exhibit exemplary design but may also be over site coverage resulting in shading impacts on an adjoining property.

The more critical question is therefore whether development standards are "too crudely drawn" and not sufficiently tested and thought out, as well as the processes that are available to stand aside from the development standards when reasonable.

4.6.1 Site Area / Density

Some Plans, but far from all, use minimum site area and maximum density standards to help drive urban form outcomes.

Minimum site area controls are generally in place to ensure that a comprehensive approach to development occurs. For example, Waitakere City requires a minimum site area of 2,000m², while North Shore adopts a minimum area requirement of 1,500m². The arguments in favour of a minimum site area relate to the design benefits that arise from having a larger development area, compared to redevelopment of a 600-800m² section. In theory, with a larger site comes more flexibility over how to arrange development within a site, with greater ability to respect neighbouring development and to create better on-site amenity.

In particular larger development sites do offer the opportunity to provide critical mass for on-site services and facilities, like a live-in-manager and communal facilities like a gym and/or pool. Sufficient resources are also present to help with upkeep of landscaping. These services and day-to-day management considerably enhance the on-going

attractiveness of properties, although such scale economies probably only come into play with developments of 50 or more units, and consequently sites of over 1ha. The disadvantage of a minimum site area are the development costs involved in site amalgamation. There may also be an argument that larger sites can lead to an over reliance on one or two building typologies within a development, leading to a repetitious, "institutional" feel to a development.

A weakness of a minimum area approach has also been no standards related to a minimum road frontage. Thus back lots and lots that are long and skinny (limited road frontage) can comply.

In conjunction with, or separate to, a minimum site area, some plans stipulate a maximum density of development, such as 1 unit per 250m² of site area. The purpose of the site area control is generally to set a threshold on how much development may occur on a site, often in response to concerns from residents about intensive housing areas being "over developed".

Whether a maximum density is necessary to manage the design of intensive housing is an open question. The answer depends upon the desired form of development. In North Shore City, in response to the squashed up suburbia discussed above, the Council has amended its district plan so that the maximum density achievable shifted from one unit per 150m² to one unit per 250m². This followed a review of developments that indicated that developments at a density of more than one unit per 250m² tended to compromise design outcomes and significantly weakened the product offered. A 250m² site area was perceived as helping to provide a housing product more in tune with the suburban style of housing prevalent in the North Shore. However such a standard may not be appropriate for more intensive, low rise apartment buildings, for example.

Other Plans rely on standards relating to building coverage, on-site open space and landscaping to control building bulk and mass.

Only one Plan uses a Floor to Area Ratio control, which is an alternative to a site density control. Its advantage is that it directly controls building mass, with flexibility as to how many units may be accommodated within the defined building envelope, for example three, three bedroom units, or six, one bedroom units.

A useful standard adopted through a recent plan change in the Wellington Central Area is that of "massing". This approach regards a site as a three dimensional envelope defined by the site boundaries and maximum building height. As of right developers can develop 75% of that envelope as a permitted activity, increasing to 100% as a discretionary activity if matters such as daylight, heritage and impacts on adjoining properties can be appropriately managed.

The intention of the plan change was to provide some flexibility to developers, whilst encouraging them to think about how their site would best be developed. Anecdotal evidence at this early stage is that good outcomes are being achieved and developers/architects have bought into the concept.

The kind of density possible within the Central Area is not appropriate in suburban centres, but a scaled back version of the massing idea, for example with the envelope defined by yard setbacks, height recession planes and maximum height, may be.

A related issue has been standards related to the mix and size of units (such as minimum area for a studio / one bedroom apartment, and a maximum percentage of units within a development being studio / one bedroom). While initially focused on the Auckland CBD, such controls are beginning to appear in more suburban areas in the Auckland region, although usually they are confined to mixed use and commercial areas. Such controls are not just related to health issues, there are also considerations of housing affordability and community diversity to consider.

4.6.2 Bulk and Location Standards

The standards for each of the case studies were based around a core of conventional bulk and location parameters such as height, building coverage, height recession planes and yard setbacks.

Generally speaking, although each case study was chosen because it provides for higher density residential development, in each case the emphasis of the standards is to have maximum standards (i.e. the intention is to minimise bulk and density) . It was also surprising how many of the case studies used conventional suburban bulk and location standards in the higher density zones. This appears to be the case even where higher densities are anticipated, most likely because it will ensure that consent is needed and give Council sufficient scope to ensure that neighbouring properties can be adequately considered in the notification decision. Some standards typical of this approach are included in the table below.

Table 1: Examples of Standard Bulk and Location Standards Used in Zones Providing for Medium Density Housing

Case Study (Zone)	Permitted Standard			
	No. Units/ Site	Height	Site Coverage	Density
North Shore Residential 6 (Sub-Zone 6A)	2 max	8m max	35% max	1 unit per 150 ² min site area
Auckland Residential 7 (Sub-Zone A)	3 max	10m max	35% max	1 unit per 200m ² min site area
Queenstown High Density (Sub-Zone C)	2 max	8m max	35% max	1 unit per 200m ² min site area

Notwithstanding, some zones/ sub zones provide for much greater densities and height through the bulk and location standards. Some of these are shown in table below:

Table 2: Examples of Elevated Bulk and Location Standards Used in Zones Providing for Medium Density Housing

Case Study (Zone)	Permitted Standard			
	No. Units/ Site	Height	Site Coverage	Density
Auckland Residential 8 (Sub-Zone C)	No limit	17m max	60% max	No limit
Queenstown High Density (Sub-Zone A)	6 max	8m max	65%	1 unit per 100m ² min site area
Christchurch Central City Edge	No limit	20m max	2.5 plot ratio (floor area: site area)	No limit

Other standards that can have a significant bearing on design outcomes include:

- Car parking
- On-site open space
- Outlook controls.
- Building length / set back.

Building length / set back controls are used to help manage the impact of larger structures on street amenity. Development standards are also used to help manage the impact of development on sunlight and daylight access to neighbouring properties.

An example of a building length control is the following proposed for the Queenstown High Density zone:

Queenstown Lakes District High Density Residential – Standard 7.5.5.1 (vi)

“Where the aggregate length along one elevation of buildings measured parallel to any internal boundary or internal boundaries exceeds 16m; either:

- “The entire building(s) shall be set back an additional 0.5m for every 6m of additional length or part thereof from the minimum yard setback (continuous façades) at the same distance from the boundary; or*
- “That part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5m for every 6m of additional length or part thereof from the minimum yard set back (varied façade(s) with stepped set backs from the boundary)...”*

North Shore City uses an outlook control to manage privacy issues.

North Shore City Residential 6 – Standard 16.6.2.6 (a)

“In order to avoid direct views from the principal living room of one unit into that of another, there shall be a minimum separation distance of 20m between the main glazing of the principal living room of one unit and that of another situated either on the same or adjoining lot, provided that where the windows are less than 20m apart, either:

- i. *"The living room main glazing is located at least 10 metres from the nearest site boundary or delineated area boundary of that unit; or*
- ii. *"The main glazing of any principal living room shall be offset so that it is not possible to draw a horizontal angle of less than 120° from one window to another; or*
- iii. *"Fencing, trellis or a vegetative screen of appropriate height and density shall be provided as a visual screen between the two windows".*

Auckland City has the following provision in its Residential 8 zone:

R1 Protection to windows of existing dwellings (Compliance with this rule satisfies criteria C1)

Where the habitable room windows of a dwelling are less than 6 metres away from the habitable room window of an existing dwelling on an adjacent site or where there are habitable room windows with direct views of habitable rooms of other dwellings within the same development they shall:

- *be offset a minimum of 1m (horizontally or vertically) from the edge of one window to the edge of the other; or*
- *have sill heights of 1.6m above floor level; or*
- *have fixed obscure glazing in any part of the window below 1.6m above floor level; or*
- *be on the ground floor level and separated by a fence of 1.6m minimum height.*

R2 Protection of neighbours private open space (Compliance with this rule satisfies criteria C2)

- *Direct views from habitable rooms into the principal areas of existing adjacent private open space should be screened or obscured*
- *within a 9m radius and 45° of the wall containing the window (Also refer Figure 13).*

4.6.3 Use of Differential Standards

To accommodate the issue of site-based design that may justify the exceedance of a development standard, there is reasonably wide use of the practice of splitting standards into categories that reflect the likely effect should that be exceeded. For example in Christchurch, development standards are grouped as follows:

- "Critical Standards" (special standards for height, density, particular activities)
- "Development Standards" (bulk and location type standards)
- "Community Standards" (standards such as noise, hours of operation, traffic generation).

The type of standard infringed determines the activity class of the application. This is summarised for the Living 3 Zone in the table below.

Table 3: Christchurch Living 3 (Medium Density) Zone – Summary of Standards Mechanism

Activity Type	Non-Compliance with:		
	Critical Standards	Community Standards	Development Standards
Residential	NCA	DA	RDA
Non-Residential	NCA	N/A*	RDA

*Community standards are not applicable to residential activity

NCA = Non Complying Activity, DA = Discretionary Activity, RDA = Restricted Discretionary Activity

Differentiating activities through a mechanism such as this has considerable merit. It recognises that some non-compliances may significantly impact the residential amenity of the wider neighbourhood, whereas others impose lesser effects. It also allows Council to streamline the consent process by restricting its discretion in some instances (i.e. infringement of “development standards”) whilst opening applications up to a comprehensive assessment where it considers necessary. Such an approach would also signal to applicants which standards are expected to be met (e.g. critical standards) and where some level of infringement may be tolerated subject to effects being adequately addressed (e.g. development standards).

4.6.4 Affected Party Mechanisms

Christchurch City Living 3 Zone – Express Approval

The existing Wellington City District Plan makes use of the “express approval” notification provision in the RMA in residential areas for issues such as vehicle parking, access and building design. This is also an approach used in Christchurch City in the Living 3 Zone which provides for medium density housing. In particular the approach used is to give express approval to applications which require consent for infringements to the standards for front yard, external appearance, provision of private and service space, storage space and on-site convenience. As these provisions are in place to protect streetscape and onsite amenity, the implication is that there is no need to protect neighbouring properties from the effects of these infringements – this is already being done by way of standard bulk and location standards for site coverage, building height, height recession planes and the like. The advantage of this approach is that it gives greater certainty to developers in terms of the notification process, and greater guidance to Council processing officers.

Tauranga City and North Shore City – Written Approval on Building Consent Plans

Tauranga City (Residential A Zone) and North Shore City (Residential 6 Zone) have both adopted a mechanism whereby applications for proposals with height recession plane infringements and yard infringements can be approved on a non-notified basis as long as the affected property has previously signed the building consent plans. Obvious issues to

consider are the necessary communication required between building consent and resource consent officers within Council, and the potential for plans to change following the neighbours sign off. Given that the approval would be required anyway, it may be that gaining the affected party written approval at building consent stage offers no advantages, and in fact could complicate the situation.

4.6.5 Use of Minimum Standards

There is a distinct shift towards the use of minimum standards, in combination with, or replacement of maximum standards. This is most visible in plan provisions affecting redevelopment of commercial areas, but also in areas of mixed uses on the fringe of centres, in the transition area between the centre and surrounding residential areas.

In most cases in the relevant zones, District Plans enable mixed uses, rather than requiring them. Only recently have some plans begun to direct that mixed uses within a building should be provided. For example, Plans may specify that residential activities may not be appropriate for ground floor areas, meaning that a suitable non-residential activity needs to occupy the space (for example retail and office-based activities are often encouraged at ground level to provide an interesting and active street interface). Some plans are considering such approaches as one way to handle intensive residential developments along main road corridors, that is providing separation between residential activities and the road corridor through vertical (rather than horizontal) separation.

Some plan provisions within the Auckland Region have begun to impose minimum densities; this may be through a minimum density requirement, or more in directly through requirement for a certain number of floors to be built. The primary driver of these rules is to promote and encourage more intensive use of urban land, tied to wider growth management strategies of compact urban forms.

Development controls may also be used to help drive some built form outcomes, for example:

- Build-to-lines to ensure that buildings create an appropriate and uniform street interface
- Minimum frontage heights. Such requirements are tied back to more immediate, local design and character issues, such as new development retaining the current street scene which may be based on two storey development, for example

The design outcomes that will result from the application of such controls remains to be seen. However a switch from what could be called a exclusionary approach to development standards (where controls are there to stop things happening) to an "inclusionary" approach (where the controls are to ensure that some things happen) signals a more general trend towards plans being more about achieving high quality environments, rather than just avoiding bad development.

The extent to which Wellington City will wish to take a more proactive, inclusive approach to development is a critical issue to address. The idea of minimum standards was well received by some Council planners, particularly in areas where higher densities might be critical to planning success (Adelaide Road was often referred to here). The idea of

having a range was also discussed for situations where a specific level of development is sought (e.g. a minimum permitted height of 10m and a maximum permitted height of 20m).

The idea of requiring certain activities at ground level has been used by Auckland City Council in their mixed-use zone in order to facilitate a vibrant and attractive street environment. There was a mixed response from Wellington City planners on this approach – some regarded it as too restrictive whilst others thought it might be appropriate in certain locations (again Adelaide Road was mentioned).

4.7 Assessment Criteria

Design and layout issues within the envelope provided for by the development standards are more generally dealt with by way of assessment criteria, in those cases where consent is required. Mostly these criteria are qualitative, although some criteria involve a quantitative element. The quantitative criteria are not determinative of activity status, rather they provide a guide as to what may, or may not be acceptable. It is a notable trend that many plans are moving away from fixed development standards to quantitative assessment criteria. This provides greater flexibility over site responsive design outcomes, as breaching quantitative assessment criteria does not invoke an activity status issue, but still provides guidance as to what may be a reasonable outcome.

There is wide variation in terms of how urban design issues are addressed in assessment criteria. The matters listed in Wellington City's Design Guide are fairly typical of the matters canvassed in other assessment criteria. Two areas where there are different approaches relate to:

- Context analysis.
- Master plans / site briefs and similar approaches.

4.7.1 Context analysis

Auckland City and Waitakere City have recently moved to require, as part of the information requirements for consents, a specific context analysis to be prepared. Box 3 (p33 below) shows an extract from Auckland City's Residential 8 provisions. The site context analysis has proven useful in ensuring that design-based proposals are put forward, that is designs that respond to the wider context, and begin from an "urban design principles" basis. It is particularly useful in areas where there has been no master planning. The requirement for an explicit context analysis provides a platform by which negotiation over an appropriate design response can begin. This approach is perhaps not dissimilar to the "design rationale" approach promoted by one of the Wellington City Council urban designers, and may be a way in which that approach can be effectively implemented through the statutory planning process.

4.7.2 Master Plans / Site Briefs

Another important trend is the incorporation of master plans into District Plans. The level of detail within these plans varies, but the usual intention is to provide guidance over the development of an area of change and to help to provide a context for site-level redevelopment. Often the plans will contain site-by-site and/or street-by-street provisions relating to basic parameters like building height and mass, and possibly even building footprints.

Having a physical plan within the District Plan, rather than a set of principles, is generally seen to be beneficial in driving good outcomes. Provided there is buy-in from relevant landowners / developers, then master plans can be strongly supported by the development community as they provide an added degree of certainty over future development patterns and qualities.

Bringing master plans and similar into a statutory framework is usually necessary to give the plans sufficient weight in the consenting process. The difficulty is the degree of detail that they should contain, and how the master plan should be tied to the provisions of the Plan.

These challenges were inferred by the Council urban designers who cited the potential inflexibility and restriction on development that can result from prescriptive master plan approaches. Consistent with their thoughts on assessment criteria and urban design standards the urban designers felt that a master/ structure plan based approach would be too prescriptive and lock in outcomes that may not be relevant in the future or could restricted landowners/ developers aspirations.

Conversely, the idea was well received by the planners. They thought it would be a particularly useful tool for areas where development pressure is highest, where higher densities could be established and where Council wants to send out a clear signal about the type of activities wanted (Adelaide Road was again mentioned). In areas where significant change is sought it was thought that weaker provisions might not send out strong enough signals.

It was recognised that the level of detail in the structure/ master plan would need to be clearly thought through and that a lengthy and difficult plan change process would be required (because of land fragmentation and the recasting of development rights that would be entailed) but these issues were not considered insurmountable.

A contrary point of view may come through from the development sector. There is a push from some landowners, especially those that control larger land areas, for site specific master plans to be incorporated into District Plans. This is to lock in the redevelopment potential of a site and too lessen consenting risks that can arise from a more discretionary assessment process. Such approaches can be justified on the basis that the provisions that would apply are tailored to the site and its context, lessening transaction costs and improving outcomes. However at an administrative level, there are questions as to whether a District Plan can accommodate a large number of site-based plans and (often) associated development controls. This is an issue that Wellington will need to grapple with.

Box 3 Extract from Auckland City Residential 8 Zone Provisions

2.1 SITE AND CONTEXT ANALYSIS

A site and context analysis must be shown on a plan drawn to scale (either 1:50, 1:100 or 1:200) and accurately show:

In relation to the site

- existing buildings, indicating whether they are to be retained or removed
- access points
- drainage and services
- orientation and slope, including contours
- trees and other significant vegetation
- fences, retaining walls, boundaries and easements
- any other notable features or characteristics of the site
- any scheduled trees and buildings as listed in the Appendices of the Operative Auckland City District Plan (Isthmus section).

In relation to the surrounding area

- the location and use of surrounding buildings including any significant noise generators affecting the site
- the difference in ground levels (contours) between the site and surrounding properties
- secluded private open spaces and habitable room windows on nearby residential properties which have or could have an outlook to or from the site, particularly those within 9m of the site
- significant views from and to the site
- solar access enjoyed by adjoining residents to main living room windows or main private open spaces
- protected trees and other significant vegetation on surrounding properties
- location and height of walls built to the boundary of the site
- characteristics of any abutting public open space
- road-frontage features such as poles, street trees, and vehicle crossings
- road pavement width and on-street parking conditions, and estimated traffic volume
- the built form, scale and character of surrounding and nearby development
- direction and distances to local shops, schools and public transport stops and open space
- the zoning of any adjoining or facing properties
- scheduled trees and buildings as listed in the Appendices of the Operative Auckland City District Plan (Isthmus section) at

4.8 Assessment processes

All Councils generally acknowledge the need to increase the resources that are put into assessing resource consents for multi-unit developments. Assessment processes vary considerably across the Councils involved.

No comprehensive analysis of processes exists, and whether one process results in better outcomes. Processes to promote good design can involve:

- Offering and / or strongly recommending to applicants to participate in pre application discussions and negotiations with Councils
- Requiring an urban design assessment to be undertaken as part of the AEE and supporting material provided as part of the application
- In-house staff, appropriately trained in urban design analysis, reviewing applications and participating in negotiations
- Council's obtaining independent peer reviews of designs proposed as part of a consent processes

- Use of advisory urban design panels
- Appointment of independent Hearing Commissioners who have particular skills in urban design.

It is apparent that the process adopted needs to fit the culture of the Council, as well as the wider community. A critical issue is the District Plan being structured in way that enables negotiated, design-based outcomes to be achieved. This relates to the activity status, as well as the mix of development standards and assessment criteria used.

In general, the move towards outside input into the design of developments – such as the use of panels and independent commissioners – appears to be driven by a desire to make the design assessment process more transparent to the community. Often the need for more transparency is in response to poor quality development that has been able to “pass through” the consenting process with little design input. This in turn is the result of poorly structured district plans.

Wellington City has long adopted an approach of building up and utilising in-house urban design staff and allowing for officer delegation over decision-making. Council staff noted that the current informal system of pre-application urban design advice works well, and that through this process Council has developed good relationships and understandings with some developers. When asked if a formalisation of this process through something like the Auckland Urban Design Panel was appropriate, all of the urban designers felt that wasn't necessary in Wellington.

There is nothing to suggest that the Council's in-house approach to design review is inadequate or inappropriate to tackle the issues that are likely to arise in the future, provided that the District Plan and associated actions provide an appropriate management framework for intensive development. However the Council needs to be mindful of the fact that the community will expect greater scrutiny of development proposals in the proposed areas of change.

5 Discussion – a way forward

Wellington City is proposing to concentrate intensive housing in specified locations. This is a change from current policy, where multi-unit development is possible across the Residential and Suburban Centre Zones, subject to consent. The concentration of intensive residential development brings with it a number of opportunities and risks:

- Redevelopment close to town centres and transport routes offers a range of urban form benefits
- Rezoning to allow for redevelopment at higher densities also recognises the need to increase the range of housing choices that are available to existing and future generations
- Proposals for new higher density residential zones are often contested by residents in the area, fearing a range of adverse effects on amenity, transport and social wellbeing. Submission processes can often see initial rezoning proposals withdrawn or substantially scaled back in area and extent of development allowed because of concerns that district plans will not be able to control the resulting development.
- Market forces may well mean that redevelopment occurs outside of the areas nominated for growth, unless the planning system can offer some certainty to developers over the scale of development to be allowed in the areas of change.

A critical issue is therefore the extent to which the District Plan provides the right platform to manage the development pressures that will arise from proposals to encourage selective intensification, on the one hand being able to respond to community concerns about poor design, and on the other hand providing the right framework for developers.

Current District Plan controls reflect a liberal “effects based” approach to residential intensification that has seen a wide spread of development across the City at varying densities. In light of this experience it is recognised that a new approach is needed to guide more specific outcomes and support the strategic vision for the City as set out in the Urban Strategy. Issues with the Plan include:

- The current approach is not sufficiently “outcome focused” – accordingly Council has no jurisdiction to refuse developments that are not consistent with the vision for the area;
- The current approach is too general/ not sufficiently “place based” – although some character area provisions are used, the current Suburban Centre zone for example is too widely applied and does not reflect the varying character of centres across the City;
- The multi-unit design guide is too prescriptive and places emphasis on detailed design elements rather than urban design principles and a good overall outcome.

Good quality residential intensification requires that a range of regulatory and non-regulatory issues be addressed in an integrated way. Design-based structure or concept planning-based exercises are generally followed to develop integrated plans and proposals that link land uses, infrastructure and social and economic outcomes for designated growth centres. Such plans are becoming standard practice, rather than best practice. The quality of the plan and its associated implementation actions is very dependent upon the right skills and resources being deployed in the processes to develop the concept plans. They are exercises that are not to be taken lightly or executed quickly. From these plans flow a range of regulatory and non-regulatory actions.

The importance of the non-regulatory actions to quality design outcomes cannot be overstated. Due to the diversity of activities and landholdings within the areas of change, Council has to take a lead role in developing plans and in implementation. Investment in better open spaces, upgraded streets and direct control over key development sites via land ownership are all important tools that the Council needs to engage in. These actions are important in terms of:

- Achieving some community buy-in into the redevelopment process – that is, the community can see some public benefits that will result from the additional development
- In improving social and economic conditions generally, thereby helping to promote desirable social and economic forces within the areas of change which in turn support higher land values and better design outcomes
- In providing the right context / setting for quality private development. Good quality private development needs a high quality public realm that is safe and attractive to interface with. Without a high quality public realm, there is an almost unstoppable pressure for private development to “turn-its-back” to the public space, ultimately seeing a break down in the fundamental relationship between private and community space upon which cities exist.

Overall, the experience to date indicates that Wellington City will need to conceive of its district planning frameworks for the proposed intensive development areas in a way that is different from the way the plan is currently structured. The current structure of a restricted discretionary status and design guideline provides a good base, but a range of issues need to be taken into account in the development of regulatory responses:

- A link to a structure or concept plan for the wider growth areas, and what elements of such a plan should be brought within the District Plan. Careful consideration needs to be given to the level of detail included in such plans. Discussions with Council staff indicates that “place based” planning is required to ensure quality, locally relevant development outcomes across the City. Therefore we recommend a more fine grain zoning pattern, and development standards and assessment criteria that are likely to need to vary between the different growth areas, as well as precincts within the growth centres, linked to an appropriate structure plan or similar.
- The objectives and policies for the relevant areas, and the need to alter their emphasis so that they are directed at achieving positive outcomes, rather than avoiding bad outcomes (as the current provisions do).

- The balance between development standards and assessment criteria, and when quantitative measures should be used as development standards or as assessment criteria. Discussions with Council staff strongly indicated that urban design assessments in the resource consent process need to be more “outcome focused” rather than prescribing certain elements of the development in order to minimise bad outcomes. However there is an important role for quantitative criteria in helping to shape appropriate development. Several local authorities in New Zealand have adopted criteria relating to building façade articulation, separation of buildings and outdoor areas, privacy and the like. It is also pointed out that in the Central Area there are urban design standards relating to shop frontages, verandahs and daylight which are effective. This matter needs careful consideration and balancing.
- The extent to which “inclusionary-type” development standards and assessment criteria should be used that seek to ensure certain performance qualities are incorporated into buildings and developments. This may relate to minimum densities and heights, mixed uses and similar elements.
- The activity status that will be used and the extent to which that can support a negotiated, design-based response to development. Experience from around New Zealand and in Wellington is that controlled activity status should not be used as it does not give Council enough leverage to get the outcomes it desires. The current approach in the District Plan is wide use of the Restricted Discretionary status, and those staff interviewed indicated that works well and facilitates effective negotiation processes with applicants. Calls to smooth consent paths by lowering the consent category for development in the areas of change should be resisted.

In summary, this report presents Council with an analysis of options available for managing residential intensification in the District Plan. Taking into account the varying market conditions, physical contexts and community aspirations across Wellington we recommend that a targeted approach be adopted for the ‘areas of change’. A targeted approach will require thorough strategic analysis of each area, including comprehensive consultation to help set the context for each area of change, and provide a robust position from which to select the appropriate planning response. Some of the issues to be addressed are complex and should be worked through thoroughly and in an appropriate (not condensed) timeframe.

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