

BEFORE THE HEARINGS COMMISSIONERS FOR THE WAIKATO DISTRICT COUNCIL

UNDER the Resource Management Act 1991

AND

IN THE MATTER of hearing submissions and further submissions on the
Proposed Waikato District Plan

Hearing 10 – Residential

PARTIES REPRESENTED **ANNIE CHEN SHIU (97)**

CSL TRUST AND TOP END PROPERTIES (89)

Submitters

**STATEMENT OF ARCHITECTURAL AND URBAN DESIGN EVIDENCE FROM ALEXANDER
DAVID GIBBS FOR CHEN, CSL TRUST AND TOP END PROPERTIES**

3 February 2020

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MAY IT PLEASE THE HEARINGS PANEL

1. INTRODUCTION

- 1.1. My full name is Alexander David Gibbs. I am a Registered Architect and Urban Designer at consulting firm Construkt Associates Limited.
- 1.2. I hold a Bachelor of Architecture degree from the University of Auckland (1976). I am a Fellow of the New Zealand Institute of Architects (NZIA) and was awarded NZIA's President's award in 2014 for services to urban design and the NZ Planning Institute's Alfred O Glasse award in 2019 for my contribution to planning by a non-planner.
- 1.3. I have 33 years' experience as a practitioner in private practice. I am a director of Construkt Architects Ltd, an urban design and architectural practice specialising in the masterplanning of new residential and mixed-use communities, almost all of them requiring Plan Changes.
- 1.4. I have broad project experience ranging from corporate headquarters to shopping centres, but my focus in the last 20 years has been on masterplanned communities. In particular, my practice is responsible for masterplanning Todd Property's 176ha Long Bay Community, Fulton Hogan's 113ha Longhurst Community in Christchurch and, in a joint venture with Isthmus Group Ltd, responsible for masterplanning Hobsonville Land Company's 167ha Hobsonville Point project. Within these projects our role, in addition to masterplanning work, has included the preparation of zone rules that were subsequently adopted by North Shore City Council, Christchurch City Council and Auckland Council respectively.

2. CODE OF CONDUCT

- 2.1. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses and I agree to comply with it. I confirm that I have considered all of the material facts that I am aware of that might alter or detract from the opinions that I

express, and that this evidence is within my area of expertise, except where I state that I am relying upon the evidence of another person.

3. SCOPE OF EVIDENCE

3.1. My evidence will cover the following topics to assist the Hearings Panel in their deliberations:

The provisions of Chapter 16: Residential Zone of the Proposed Waikato District Plan Stage 1 and their suitability to achieve good urban design outcomes.

4. SUMMARY OF EVIDENCE

4.1. I generally support the provisions of Chapter 16 as recommended in the Section 42A report. Having read the report carefully and noted the recommendations of the reporting planners and the submissions of others, I offer my comments in support of the majority of the recommended provisions, and make recommendations on other provisions. My evidence follows the same order as the topics of the s42A report.

4.2. In a few instances I found the provisions as recommended by the reporting planner to be lacking specificity and in other cases not offering the flexibility that the development community requires for projects to be successful. Generally, in those circumstances, I found submissions of others that dealt well with those matters and was happy to support them. I found the Housing Corporation of NZ (**Housing NZ**) submission in particular to be very well considered.

4.3. The provisions for retirement villages recommended within the s42A report assumes that all villages need to follow the model used by the large corporate players in that market without considering the increasing role of niche players.

4.4. I consider that the inclusion of design guidelines within the PWDP to be problematic. I have discussed briefly my experience as an architect in dealing with the confusion and delay that mixing non-statutory documents into a district plan has caused.

5. CHAPTER 16: RESIDENTIAL ZONE

5.1. I generally support the provisions of Chapter 16 as recommended in the Section 42A report. Having read the report carefully and noted the recommendations of the reporting planners and the submissions of others, I offer my comments in support of the majority of the recommended provisions and make recommendations on other provisions as follows. My evidence follows the same order as the topics of the s42A report.

Topic 2: setbacks

5.2. 16.3.9.1 Building setback: I support the building setback provisions as recommended because I consider that they strike a good balance between efficient site utilisation and ensuring good urban design outcomes. In particular the ability for eaves to encroach into the yards is a useful provision because it allows for better site utilisation and doesn't disadvantage those who recognise the benefits that eaves provide in terms of weathering and environmental control.

5.3. However, I consider that there should be provision for "zero lot" boundaries in the case of integrated subdivision and resource consent applications for sites of 1200 square metres or more. By "zero lot" I mean the ability to place a building against the least sun-advantaged side boundary. The limitation to site area of 1200 square metres or more, will ensure that "zero lotting" occurs in a masterplanned environment.

5.4. This provision, which is well established in many district plans, provides for maximisation of the sun-advantaged side yard which, in turn, increases the options for providing for living courts in the side yard. In my experience this substantially increases the variety of house plans that can be successfully applied to narrow sites.

5.5. I support rule 16.3.9.1 P3 which requires a garage to be set back behind the front façade of the dwelling. I favour the arguments of the reporting planners over those put forward by CKL and Grigor Construction Limited. In my opinion there is a substantial risk of garage domination and poor CEPTED and urban design outcomes from allowing garages to align or be forward of the front façade. I support

the reporting planners' recommendation to modify the rule to require this where the dwelling and garage front to a road, allowing (by exception) the rule not to apply to rear site and laneways. I consider that a minimum distance of the garage setback should be added to the rule to ensure that ineffective token setbacks are not encouraged. I recommend that the rule 16.3.9.1 P3 should read:

A garage must be set back behind the front façade of the dwelling a minimum of 300mm where the dwelling and garage are on a site that has frontage to a road.

Topic 3: Site coverage

5.6 I support the provisions for site coverage as recommended by the reporting planners in their s42A report. In particular the inclusion of the ability for site coverages in excess of 40% to be considered via a restricted discretionary application is to be commended. In my experience very good urban design outcomes are quite achievable with coverages of 45 – 50%, but it is reasonable for applications of that type to meet raised planning and urban design thresholds via the RD process. The matters for discretion are appropriate.

5.7 I support Rule 16.3.6A on impervious surfaces as recommended by the reporting planners in their s42A report. In my experience maximum site coverage of 70% is sufficiently high as to allow most forms of housing including terrace housing. As with the provisions for site coverage it is commendable that a route for consideration of higher impervious percentages are able to be considered via an RD application.

Topic 4: Excessive building scale

5.8 I agree with the Housing NZ submission and the recommendation of the s42A report that “Building Scale” is a better title for Policy 4.2.8 for the reason that “excessive” is a strong term that presents a risk that applications of merit may be prejudiced by being considered under that policy.

Topic 5: Outlook and Daylight

5.9 I agree with the several submitters seeking the recession plane be changed from 37 degrees to 45 degrees and accordingly support the recommendation of the reporting planners regarding rule 16.3.5 PI. I have found through the design of numerous masterplanned housing developments that a recession plane of 45

degrees in most instances enables good urban design outcomes and site utilisation. On steep sites however, it can be less than ideal, which leads me to the following point.

- 5.10 The reporting planner advises that Mr Ian McAlley (submitter 368.25) seeks to “amend Rule 16.3.5 to enable the height control plane to be measured from the top of a retaining wall where the retaining wall is included in the design and constructed as part of the subdivision.” I agree with the submitter that the existence of the retaining wall is readily observable by purchasers and neighbours and also that the absence of such a provision does frequently lead to additional resource consents. I disagree with the reporting planner that definition of “height” and “ground level” deal adequately with this issue. In my experience the matter is frequently argumentative (with the TA) and leads, if not to additional resource consents, at least to delay or inefficient built outcomes. I recommend that the relief sought by Mr McAlley be adopted.
- 5.11 With respect to Rule 16.3.5 RD1(b) The submission from Housing NZ (749.109) sought the restriction on privacy (matter of discretion (iv)) to be restricted to adjoining sites only . The reporting Planner was not convinced by Housing NZ’s argument, but I support its submission because I consider that:
- a) the effect on adjoining neighbours is widely considered to be the correct focus for consideration of effects for relatively low level affects such as privacy.
 - b) the wording of that rule as recommended leaves applicants open to very onerous (and potentially highly unreasonable) assessments by processing planners of the geographical extent of those they consider are affected.
- 5.12 With regard to Policy 4.2.10 the reporting planner has recommended subclause (c) should read “*Maintain and enhance attractive open space character of residential areas by ensuring that development is compatible in scale to surrounding activities*”

and structures and has generous on-site landscaping, screening and street planting, (my emphasis).

5.13 I consider this wording is very problematic because it is so ambiguous. In an environment such as Pokeno (for instance) the receiving environment for probably many years will include rural zoning, leaving the quandary of resource consents for urbanised land being at risk of being required by the policy to be measured against adjoining rural land, as the “*surrounding activity and structures*”. I consider that the Policy should be reworded as follows:

“Maintain and enhance attractive open space character of residential areas by ensuring that development is compatible in scale to the surrounding future planned environment and has generous on-site landscaping, screening and street planting”

Topic 6: Policy 4.2.12 Outlook Living Court – Multi-unit development

5.14 Housing NZ and the reporting planner recommend that Policy 4.2.12 be deleted and the content included in Policy 4.2.18 Multi-unit Developments. I support this recommendation as this is a more appropriate location for this policy.

Topic 9: Housing Options Objectives and Policies

5.15 I support the changes recommended by the reporting planner to Policy 4.2.1.8.

Topic 10: Housing Option Rules

5.16 Rule 16.3.1 Dwellings (including number of dwellings): I support the submission of Housing NZ (749.87) and others to:

- a) add a new permitted activity to Rule 16.3.1 RD1 to provide for multi-unit development of up three dwellings and include permitted activity standards similar to Rule 16.1.1RD1, and
- b) Amendment of rule 16.3.1 D1 to change the activity status of 4 or more dwellings from Discretionary to Restricted Discretionary.

- 5.17 I consider that acceptance of its submission would bring this provision into line with other jurisdictions where this type of provision has been recognised as providing an appropriate and efficient response to small, low impact multi-unit developments.
- 5.18 I support the reporting planner's recommendation for restricted discretionary status for three or more units as a fall-back provision if the Commissioners are not persuaded by the Housing NZ submission.
- 5.19 Rule 16.3.2: I support the submission of McCracken Surveys Limited (943.17) and others seeking to amend Rule 6.3.2(a) (i) Minor Dwelling to reduce the net site area from 900m² to 600m². It has been demonstrated at Hobsonville Point and other benchmark developments that minor dwellings can make a significant contribution to built form and affordability, but, in my opinion, they are unlikely to be built on lots much in excess of 600m² because:
- a) the return on value of such a large site will not exist; and
 - b) beyond that figure developers are likely to consider multi-unit housing as an alternative.
- 5.20 Rule 16.1.3 RD1: I support in entirety the submission of Housing NZ to amend Rule 16.1.3 RD1 Restricted Discretionary Activities. In my opinion the amendments to the matters for discretion that Housing NZ propose make the provision more consistent with the Unitary Plan (which is more efficient for practitioners working in both jurisdictions), are better linked to legitimate urban design factors, and provide for more efficient use of land.
- 5.21 I support the reporting planner's recommendation for Rule 16.1.3 RD1 as a fall-back provision If the Commissioners are not convinced by the Housing NZ submission.
- 5.22 Rule 16.4.4 Subdivision- multi-unit development: I support the Housing NZ submission (749.119) seeking to amend Rule 16.4.1 from a restricted discretionary activity to a controlled activity. In my opinion the amendments it proposes will make the provision

better linked to legitimate planning and urban design factors and provide for more efficient use of land.

- 5.23 Rule 16.1.2 P3 Retirement Villages: I support the inclusion of retirement villages as a permitted activity in the Residential Zone and oppose the submission of Ports of Auckland Limited (578.27) that this activity should be restricted discretionary. I consider retirement villages to be a valuable contributor to the spectrum of housing needs and also consider that the typical effects of retirement villages to be so minimally different to “standard “ residential activities, that a change to a more onerous activity status cannot be justified.
- 5.24 I support McCracken Surveys limited (943.35) and other submitters seeking either the removal of the minimum site area or the substitution of a minimum area of 1 ha for retirement villages and the removal of condition b) requiring the site to be within 400m walking distance of public transport. I consider that the submission on minimum size is correctly responding to a growing market for “niche” villages catering for a younger demographic than traditional large retirement villages. I do not accept the point that the reporting planner makes that a retirement village has to be “operated as an integrated complex providing the full range of retirement village facilities (including recreation and hospital)” as I don’t consider that this reflects how all retirement villages operate now (many don’t have hospitals) and it certainly doesn’t reflect growing trends towards smaller “over sixties” condominium style villages.
- 5.25 Their submission point about distance to public transport appears to me to be responding correctly to the realities of much of the residentially-zoned land within the WDC jurisdiction where that land is deliberately set at low densities which will not be well serviced by public transport. In essence the rule as written requiring a minimum distance of 400m to public transport will have the unfortunate effect of ensuring villages will not likely be developed. The rule also does not consider the reality that most villages provide their own bus transport for residents.
- 5.26 Rule 16.1.2(f) Retirement Villages, Height: I support the submission from Garth and Sandra Ellmers (244.3) seeking to amend Rule 16.1.2(f) to increase the maximum

building height allowed for retirement villages to allow for three-level retirement villages. I consider the Ellmers are correct that a typical village will have a village centre with serviced apartments attached. The remainder of the village will typically be single storey duplex units. The village centre and attached serviced apartments function better and are much more economically built if allowed to be three storeys. It is generally recognised that the predominance of single storey duplexes well mitigates the scale effect of the larger central building. In my opinion it is not possible to do a satisfactory three storey building within 10 metres of height as the reporting planner claims. The lower floor alone should be in the order of 4m floor-to-floor and the remaining floors 3.4m floor-to-floor, plus provision for roof at 0.6m. Therefore the total needed for a three storey village centre is in the order of 11.4m. A provision for 12 metres height would be wise.

- 5.27 Rule 16.1.4 Discretionary Activities: I support the submissions of Housing NZ (749.81) CKL (472.56) and McCracken (943.45) who seek to delete rule 16.1.4 D2. and seek the inclusion of a new restricted discretionary activity status with matters of discretion to address permitted activities which do not meet Rules 16.2 (Effects) and 16.3 (Building). I have read the reporting planners' reasons for not recommending these submissions, but find their reasoning to be focussed on procedural concerns rather than the content and therefore less convincing than that of the submitters.

Topic 20: Definitions

- 5.28 I support the submission from Housing NZ and the recommendation of the reporting planners' that the definition of "Duplex" be amended as per the s42A report. As an experienced architect my opinion is that the former definition did not accord with how duplexes are customarily configured and would not serve a useful purpose.

Topic 24: Height

- 5.29 Rule 16.3.3.1 Height- Building general: I support the recommendations of the reporting planners' for the 8 metre height limit and the modifications to the matters for discretion. I

consider that the height is appropriate for what is predominantly a low intensity zone and the matters for discretion are well targeted to genuine urban design matters.

Topic 26: Living Court (Rules 16.3.7)

5.30 I support the submission of Housing NZ (749.111) seeking to amend Rule 16.3.7 to be “more in line with the Auckland Unitary Plan” as I consider there is a lot to be gained in the harmonisation of common development controls such as this across neighbouring Territorial Authorities (and probably nationally).

5.31 I support the reporting planners’ recommendation as a fall-back provision if the Commissioners are not convinced by the Housing NZ submission.

Topic 27: Service Court

5.32 I support the reporting planners recommendations with respect to service courts. I consider that the introduction of the ability to provide for rubbish bin enclosures and washing lines in separate service courts is a useful flexible provision. The dimensions proposed are practical and realistic. The matters for Council’s discretion are well targeted to legitimate urban design concerns.

Topic 29: Design Guidelines

5.33 I support Housing NZ’s submission (749.151) seeking the deletion of Appendix 3 Design Guidelines and all reference to Appendix 3 in the PWDP on the basis that design guidelines should be treated as a matter of discretion. I note the reporting planners’ comment that in their opinion “Appendix 3 has only been used as a matter of discretion...”. As an experienced Architect, I frequently encounter situations where non-mandatory design guidelines have been treated as quasi-statutory documents. I often encounter Councils’ urban design staff in particular taking this approach. This can lead to very unfortunate circumstances where a reporting planner places weight on the opinion or reports of their urban design specialist who are inappropriately weighting advisory, and frequently “aspirational”, design guidelines over statutory district plan

provisions. In my experience this is frequently as uncomfortable for the planner as it is for the applicant, as the planner is usually well aware that he or she must work within a statutory framework. I consider that Housing NZ submission wisely seeks to avoid that sort of conflict, by making clear the status of the design guidelines.

Topic 30: Subdivision

5.34 I support the recommendations of the reporting planners' in their s42A report. In my opinion the minimum lot size of 450m², and the proposed building platform provisions are appropriate for low intensity residential zones. I do however also agree with Housing NZ and other submitters in opposition to inclusion of the Residential Subdivision Guidelines within the PWDP for the same reasons as discussed immediately above.

Topic 33: Medium Density Residential Housing – Multi-unit development

5.35 I have carefully considered Housing NZ's submission (749.107) seeking a new chapter to the PWDP with objective and policies for a Medium Density Residential Zone. Whilst that submission appeals to me at a theoretical level, I consider that it is probable that in most instances medium density residential (MDR) will be proposed by individual applicants as a lesser component within the context of a masterplan that predominantly caters for low density residential. This would typically arise where the designer would cluster a "nucleus" of MDR around a neighbourhood centre, public open space or a transport node.

5.36 In considering the provisions for MDR within the PWDP (as recommended in the s42A report) I consider that the PWDP is well structured to receive applications for integrated proposals for MDR through the Multi-unit subdivision provisions.

5.37 However, to facilitate a greater range of housing choices that are affordable, while maintaining urban amenity values, I support a minimum lot size of 200 m² as a RD activity for Multi-unit development proposals (refer to Rule 16.4.4). In my experience from Hobsonville Point and other developments, this density will facilitate the development of terrace and duplex housing typologies that, with the appropriate

assessment criterion proposed, will achieve high quality urban amenity environments at Pokeno.

A handwritten signature in black ink that reads "David Gibbs". The signature is written in a cursive, flowing style.

Alexander David Gibbs

Date 3rd February 2020