

2.7 Design Statements - Section 32 evaluation for the Proposed Auckland Unitary Plan

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1 Overview and Purpose

1.1 Subject Matter of this Section

Good quality design does not occur through prescriptive rules, but rather a design process that considers the unique attributes of a site and its surrounds, resulting in a development proposal that is responsive to its setting at a site, street and neighbourhood scale. Design statements do not prescribe what quality design is for Auckland, but require a designer to demonstrate how a proposed development will meet the desired outcomes for their site and context.

A design statement is an analysis document prepared to understand the site's context, identify existing elements of the site and interrelationships between different factors which affect the site. It presents the design process undertaken in preparing a development proposal. It uses images and words to describe the rationale and design decisions made in relation to a development proposal and how it has responded to the opportunities and constraints of a site and its surrounding context. Context is the way in which places, sites and spaces inter-relate with each other whether physically, functionally or visually, or the way in which they are experienced and understood.

Design Statements are a way of facilitating high quality design, through identification of the positive and negative elements of a site and the surrounding neighbourhood to help inform the future development and enhancement of an area. This could be through protection and retention of elements crucial to an area's distinctive sense of place or identifying those elements that could be enhanced through managed change.

Design statements are a tool to help achieve the Auckland Plan and Unitary Plan overarching directives of a quality built environment. They are not required for all developments, but those which require resource consent and are considered to have the potential to impact on the wider neighbourhood, including subdivision. The requirement for a design statement is supported by a comprehensive information list and is identified within the special information requirement clause of the relevant zones. Design statements will also be supported by non-statutory design guidance and case studies within the Auckland Design Manual (ADM).

1.2 Resource Management Issue to be Addressed

The Unitary Plan identifies eight issues of regional significance for resource management in Auckland. Each issue also links to the outcomes, priorities and associated strategic directions in the Auckland Plan. The provision within the Unitary Plan for design statements addresses Issue 1 – enabling quality urban growth.

Auckland Council ('the Council') has made a significant commitment to promoting good design – leading by example in its own development projects; building design capacity within Local Boards via the Design Champions Network; and encouraging and supporting high quality design through the Auckland Urban Design Panel and when consenting private sector development. The Auckland Urban Design Panel already requires design statements as part of its information requirements.

This commitment is expressly stated in the aspirations contained within the Auckland Plan. Chapter 10: Urban Auckland presents three priorities for the region's urban areas:

- (1) Realise a quality compact city;
- (2) Demand good design in all development;
- (3) Create enduring town centres and neighbourhoods.

Unitary Plan Issue 1.1 *Enabling quality urban growth*, explains that Auckland is the place in New Zealand where more and more people want to live and work. While this drives economic growth, enhances regional GDP, and encourages development of a world-class city, nearly all our resource management issues stem from the impacts growth could have on our natural and physical resources.

Our sense of place and belonging comes from Auckland's rich diversity. Our challenge is to retain this sense of place while providing for growth and development. This will require consideration of urban form and design, and sustainability outcomes to maximise economic opportunity and well-being, social well-being, cultural diversity and environmental health. These disciplines are critical in ensuring developments provide:

- high-quality urban living experiences with sufficient amenities
- housing choice to accommodate a diverse population at different life stages
- mixed use, vibrant and coherent high-density centres
- visibility of Auckland's cultural diversity in urban design

A sense of place and identity form the setting to the lives of people and communities, through experience, association, and use and activity. Places which develop in a manner that responds to the local character and context of that place are likely to be more sustainable, contribute to good quality of life and attract investment – economically, culturally and/or intellectually. Design statements are a method of analysing a site context and character, identifying the opportunities and constraints to development and developing a design response that is sensitive to those opportunities and constraints.

1.3 Significance of this Subject

All of Auckland's legacy councils acknowledge the importance of context analysis being conducted prior to preparing a development proposal. Similar requirements are found in other local authorities and central government agencies in New Zealand and overseas. Many of the legacy District Plans formally require context analysis and design responses for certain developments, however this is focussed primarily on residential and retail development. It is now proposed that the requirement for a context analysis and design response be applied consistently across the region to all zones where design quality has been identified as important.

Auckland Council currently requires consent applicants to provide information regarding the development site's existing condition and its surrounds and documentation regarding how the effects envisaged from the proposed development will be managed. The range of information requested varies between legacy council processes and the quality of what is provided/accepted can also differ.

As the density of development in Auckland increases so does the potential for adverse liveability outcomes to emerge between ever more proximate activities. Accordingly the requirement for quality design should also increase with density. Development controls do not deliver design quality as it not possible to provide physical measurements in the form of development controls for all of the attributes necessary to achieve a quality development, and contribute to a quality public environment, in all different contexts. Many important amenity related qualities are not measurable and otherwise emerge as a cumulative function of many overlapping influences.

Design statements provide the methodology for identifying, analysing and resolving all of these influences, at a range of scales and across a range of zones. It is proposed that design statements are applied consistently across all residential zones, for subdivision applications, and also within other non-residential zones where there is the potential for

impacts on the wider neighbourhood. This will ensure that the design quality and responsiveness of subdivision and development is considered in a consistent manner across the region.

1.4 Auckland Plan

Auckland Plan Priority 2 requires that we '*Demand good design in all development.*' A renewed focus on good design will ensure our built environment is successful, and better contributes to our sense of place and to Auckland's liveability. As Auckland grows, and opportunities for more intensive development are realised, this will be vital (569).

Development will be expected to take a 'design-led' approach and incorporate the principles of good design that create enjoyable places. These principles affect all development (570). Figure 10.3 sets out the design-led approach and identifies design statements as the tool to deliver this including a site and neighbourhood analysis and design response.

The good design principles are set out in Box 10.1 (page 247) and are as follows:

Box 10.1 Good Design Principles

The following good design principles underpin the Auckland Plan, the Unitary Plan, infrastructure plans and the ADM. These principles form a complete set, which collectively indicate what attributes are required to make a place successful. They also apply to a range of city and urban scales:

- **Identity:** Landscape and ecology, heritage, built form, people and communities together establish the context for Auckland's unique sense of place. Good design must recognise and respond to this context, with development enriching character, quality, legibility and a sense of place.
- **Diversity:** Auckland should accommodate a rich mix of uses, activities, urban form and architecture, which supports variety, vibrancy, chance exchange, safety and choice. Good design must encourage and embed flexibility and adaptability, to ensure continued support for our changing communities, cultures, built form and environments.
- **Integration:** Development in Auckland should support uses, activity centres, energy systems and movement networks which are well-connected, and provide convenient and universal access to a range of services and amenities. The cumulative picture of a street, a block, a neighbourhood and the city – not just buildings, roads or open spaces, as individual elements – must be recognised and responded to. Good design must ensure that development supports existing and/or creates urban form (including streets and spaces), to facilitate well-being, movement and access.
- **Efficiency:** The benefits and efficiencies of urban systems need to be maximised, delivering quality places where transactions and exchange are encouraged and resources optimised. Good design must ensure that development focuses on benefits and positive effects, and optimises the full potential of a site's intrinsic qualities. This includes site shape, relationship to the street, landform, outlook and proximity to services, amenities and infrastructure.

1.5 Current Objectives, Policies, Rules and Methods

Requesting a Design Statement (or equivalent) as part of a resource consent application already occurs within many of Auckland's legacy councils. The remaining legacy councils also highlight context analysis as an important component of a best practice development process. A brief summary of precedents for Design Statements within each legacy council is presented below:

Waitakere City Council:

Waitakere City District Plan requires a “site and neighbourhood analysis” and a “design response” for all applications for medium density housing, apartments, mixed use and retail development (new buildings or additions over 100m² gross floor area). City Wide Urban Design Rule 2.1 (i)-(xv) lists out the information to be provided.

North Shore City Council:

North Shore City District Plan requires a “context analysis” and an “urban design statement” be submitted for all limited discretionary development within specific Business zones. Rule 2 (Context Analysis) and Rule 3 (Urban Design Statement) lists out specific information requirements.

Auckland City Council:

Auckland City District Plan requires a “site and context analysis” for various development types, including all consent applications in the Residential 1 and 2 zones, and a “site and context analysis and design response” for applications covered by Appendix 10 (“The development of residential dwellings within existing buildings or new buildings in residential zones within specified growth areas.”). Sections 2.1 – 2.4 list out the information to be provided.

Rodney District:

Rodney District Development Design Guide provides guidance in order to facilitate high quality development throughout the District. Within the Guide the value of site and context analysis is expressly stated, including description of the various elements analysis should consider. “Understanding how a proposal will interact with its environment is critical to minimise adverse impacts and maximise value-adding positive ones. Site and context analysis is the best way to achieve this” (Page 5, Rodney District Council *Rodney District Development Guide*).

Manukau City Council:

Manukau City Council’s *Residential Apartment Design Guide* includes substantial focus on the importance of development responding to its context. This is supported by detail on what such an analysis should cover and recommends that a “design statement” be provided for all consents applications. “Thorough site analysis will help to achieve more appropriate design solutions for Manukau City. All applications for development within Manukau City should be accompanied by a written statement explaining how site analysis has informed the proposed design” (Pg 26, Manukau City Council *Residential Apartment Guide*).

Franklin District Council:

Franklin District Council’s *Urban Residential Design Guide - for a rural district* states the importance of a development analysing and responding to its site and neighbourhood context. “A detailed analysis of the site and surrounds should be undertaken before commencing design work. This analysis should involve Council. Integrate the layout of activities on the site with its surroundings and respond to what’s going on around it” (Pg 11, Franklin District Council *Urban Residential Design Guide – for a rural district*).

Papakura District Council:

While the Papakura District Plan does not specifically request or encourage a context analysis, in effect the Plan does require certain applications to consider many of the key elements this would cover. Part 12.5.2 in Section Three: Urban Papakura requests a suite of information to be provided with all consent applications (except for Controlled Activities), including items such as access, landform, existing buildings and watercourses. However, it is acknowledged that these requirements primarily focus on the development site itself, rather than extending out to the surrounding context.

1.6 Information and Analysis

Staff have developed the provisions based on an analysis of legacy district plan provisions; a review of the application of design statements elsewhere in New Zealand; and based on research of best practice examples overseas, particularly the United Kingdom and Australia. This has included:

New Zealand

- Urban Design Toolkit (Ministry for the Environment) ¹

United Kingdom:

- Design and Access Statements²
- Urban Design Compendium³

Australia:

- Moreland Design Code⁴
- Victoria Australia Residential Code⁵
- New South Wales, Australia: State Environmental Planning Policy 65⁶

This has included testing of draft provisions against actual development proposals and the preparation of design statement case studies for three different development scenarios – five detached dwellings, an apartment building and a commercial building.

1.7 Consultation Undertaken

Consultation on the provisions has occurred with key internal stakeholders including the Built Environment Unit, Resource Consents, Heritage, Infrastructure and Environmental Services; Air, Land, Water and Coastal; Litigation and Regulatory; Treaty of Waitangi and Regional and Local Planning.

The March draft received a total of 19 feedback points relating to design statements - 6 in support, 8 seeking amendments to the provisions and 5 seeking deletion of design statements in their entirety.

1.8 Decision-Making

Design Statements have not been subject to any specific political working party decisions. The Manager Unitary Plan and Manager Regional & Local Planning have endorsed the approach proposed and provided feedback on the provisions.

¹ <http://www.mfe.govt.nz/publications/urban/urban-toolkit-2009/html/page4.html>

² <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/designaccess>

³ Urban Design Compendium. (English Partnerships & The Housing Corporation). Chapter 2: Appreciating the Context.

⁴ <http://www.moreland.vic.gov.au/building-and-planning/higher-density-design-code.html>

⁵

http://www.dpcd.vic.gov.au/_data/assets/pdf_file/0020/41726/1255_Making_a_planning_application_for_a_dwelling_in_a_residential_zone_Dec_2001_.pdf

⁶ <http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=ectSnzCSeB0=&tabi..>

1.9 Proposed Provisions

The proposed provisions are a Special Information Requirement within the following zones: Residential, Business, City Centre, Public Open Space, General Coastal Marine, Marina, Ferry Terminal, Special Purpose (Healthcare Facility and Major Recreation Facilities), Rural, and Subdivision.

Design statements are required only where a resource consent is required for a building, carparking, or access. The information required for a design statement is tailored to the scale and complexity of the proposal, and not all information is required for all proposals.

An example of the rule within the Residential Chapter is set out below:

“...Special Information Requirements:

A design statement is required for the activities specified in the table(s) below. The design statement is required to include as a minimum the matters indicated within the table as set out in clause G.2.7.2. Drawings, illustrations and supporting written explanation should be proportionate to the complexity and significance of the development proposal. Refer to the ADM for guidance on the preparation of design statements.”

Table 1 of 1

Activity	Any discretionary or non-complying activity involving a new building	Any building associated with a non-residential activity	Additions and alterations	5-15 dwellings in all Residential zones	15+ dwellings in all Residential zones	Apartments in all Residential zones
A. Context analysis						
1. Site analysis						
a.	Existing site plan	X	X	X	X	X
b.	Streetscape character	X	X	X	X	X
2. Neighbourhood analysis						
a.	Natural and cultural environment	X	X	X	X	X
b.	Movement	X	X	X	X	X
c.	Neighbourhood character	X	X	X	X	X
d.	Use and activity	X	X	X	X	X
e.	Urban structure	X	X	X	X	X
3. Opportunities and constraints analysis						
a.	Opportunities and constraints diagram	X	X	X	X	X
B. Design response						
a.	Concept design	X	X	X	X	X
b.	Proposed site plan	X	X	X	X	X
c.	Proposed elevations	X	X	X	X	X
d.	Sunlight access	X	X	X	X	X

e.	Landscape	X	X	X	X	X	X
f.	Streets, Accessways & Lanes	X	X		X	X	X
g.	Urban structure	X				X	
h.	Publicly accessible open space	X	X			X	

Chapter G: General Provisions, sets out in Clause G.2.7.2 the information requirements for design statements, which relate back to the tables set out in the relevant Special Information Requirement clauses. This sets out within A. Context Analysis (Site Analysis, Neighbourhood Analysis and Opportunities and Constraints Analysis) and B. Design Response, the list of information that may be relevant to an application.

1.10 Reference to other evaluations

This section 32 report should be read in conjunction with the following evaluations:

- 2.3: Residential zones
- 2.4: Business
- 2.5: Building heights
- 2.6: Business building form and design
- 2.8: Sustainable design
- 2.9: Accessory parking
- 2.11: Biodiversity
- 2.12: Pre-1944 demolition
- 2.13: Historic heritage
- 2.15: Mana whenua cultural heritage
- 2.16: Maori development
- 2.17: Maori land
- 2.18: Maori and natural resources
- 2.19: Landscapes
- 2.20: Conversion of dwellings
- 2.22: Future Urban zone
- 2.23: Greenfield Urban Precinct
- 2.24: Urban stormwater
- 2.26: Flooding
- 2.27: Intermittent Streams and riparian margins
- 2.28: Natural hazards
- 2.30: Green infrastructure corridor
- 2.31: Earthworks
- 2.35: Rural subdivision
- 2.38: Non-accessory parking
- 2.39: Traffic in centres
- 2.40: Cycle parking
- 2.43: Land Transport Noise
- 2.44: Air quality buffers – major roads
- 2.46: City Centre precincts
- 2.47: Signs
- 2.50 Retirement Villages

2 Objectives, Policies and Rules

2.1 Objective 2.2.2 – A Quality Built Environment (RPS level)

The following objectives are proposed, and support design statements as a method:-

1. *A quality built environment where development, including subdivision, across the site, street, block, neighbourhood and city scales:*
 - a. *recognises Auckland's sense of place and enriches its landscape, character, heritage and legibility (identity)*
 - b. *provides for a rich mix of choice and opportunity for our communities and can adapt to changing needs (diversity)*
 - c. *considers and reinforces use, activity centres, energy systems and movement networks which are well connected and provide convenient and equal access for all (integration)*
 - d. *supports and optimises the full potential of a site's intrinsic qualities, including its shape, landform, outlook and relationship to its surroundings (efficiency).*

Appropriateness of the Objectives

Part 2 of the RMA provides for the use, development and protection of natural and physical resources, in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. A quality built environment is a key means to enable the social, economic and cultural well-being of people and communities, and for their health and safety, consistent with the purpose and principles of the RMA.

The objective also relates directly to s. 7 of the RMA. This states that, in achieving the purpose of the Act, particular regard shall be had to, amongst other matters, (b) the efficient use and development of natural and physical resources: (c) the maintenance and enhancement of amenity values, and (f), the maintenance and enhancement of the quality of the environment.

The Section 2 definition of 'amenity values' includes the 'qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.' This definition is of direct relevance to the quality of the built environment and to objective 2.2.2.1.

Usefulness

Objectives 2.2.2.1(a) and (d) in particular clearly assists decision-making by signalling that intensification of Auckland must consider its context and respond appropriately at a range of scales, thereby contributing positively to local place and identity.

The objective adds value by providing a foundation for methods that allow assessment of the extent to which development proposals are contributing to the creation of a quality built environment and which respond positively to their context, supporting the Auckland Plan good design principles.

It assists in the decision-making and consideration of development proposals by setting them within a wider strategic context of delivering on quality and placemaking, across a range of scales.

It encourages broad scale, holistic thinking of how development, whether small or large scale, affects urban form. In this sense, it contributes to the purpose of all other RPS objectives.

Achievability

The council has available a variety of methods to achieve objective 2.2.2.1's outcome of a quality built environment. Methods include rules, design related assessment criteria, information requirements such as design statements, and non-statutory tools including the Auckland Design Manual and design review panels.

Reasonableness

The objective is considered to be reasonable because it relates to a key issue facing Auckland as it grows - quality of the built environment. There is strong support in Auckland for "better design in our buildings and places", with 81% of respondents to a survey supporting this key theme of the Unitary Plan.⁷

As the urban area continues to grow, in a more compact form and in green and brownfield areas, it will be critical to ensure it does so in a quality form, one that meets people's needs while achieving an efficient use of resources. Quality design means design fit for purpose, and in the context of designing the components that make up cities, that means consideration of and an optimal and integrated response to a wide range of opportunities, constraints and drivers.

Legacy issues

The objective builds on high levels objectives used in legacy plans by further emphasising the principle of a design-led approach as a means to achieve quality built form and the importance of this at the level of the Unitary Plan's RPS.

2.1.1 Policies

The following policies support objective 2.2.2.1 and give effect to design statements as a method:

1. Require development to be designed to integrate all elements of a place, buildings or space into a coherently designed solution.

This policy achieves the objective purpose of integration: development that reinforces an integrated urban form across the cumulative scales of site, street, block, neighbourhood and city.

2. Design development to respond positively to the site, its context and the planned future character of the place, and to reinforce the role of the public realm as the primary place for public interaction.

This policy achieves the objective purpose of identity and efficiency, with development proposals required to respond to their context at a range of scales, consider future form and context and create a positive relationship with the public realm.

3. Require development that contributes to the safety of the street and neighbourhood.

This policy relates to achieving the objective purpose of development that demonstrates the good design principle of identity, promoting a strong sense of place, and reinforcing the amenity and safety of the public realm and its role as the primary places for public interaction. Design statements, through the requirement for a streetscape analysis for front sites, ensure that the relationship between the site and the street is considered as part of a development proposal.

⁷ Colmar Brunton Survey. Unitary Plan Survey Findings, Wave 3, June 2013.

7. Require a high standard of design in areas of residential and business intensification.

This policy relates to achieving the objective purpose of a quality built environment and recognises that as the city intensifies, the quality of our built environment becomes more important. Design statements provide a method to test the responsiveness and quality of a development proposal against their context and the objectives of the zone.

9. Design streets and block patterns that maximise connectivity, provide for a range of travel options and have a high standard of amenity and safety for pedestrians and cyclists to promote walking and cycling.

This policy relates to achieving the objective purpose of development that demonstrates the good design principle of integration and reinforcing the amenity and safety of the public realm and its role as the primary places for public interaction.

Methods:

Regulatory

- Design statements
- Auckland wide objectives, policies, rules and assessment criteria
- Zone and Precinct objectives, policies, rules and assessment criteria.

Non-Regulatory

- The Auckland Design Manual
- Design Review Panels including the Auckland Design Panel
- Programmes that provide the community with information and increase their understanding on design and sustainability issues.

It is considered that the above policies are achievable via the identified methods of objectives, policies, rules and assessment criteria, with design statements specifically identified as a method. Design statements are considered to be an efficient and effective means of analysing a sites context at a range of scales and enabling a positive and context sensitive design response.

2.1.2 Rules and other methods

The proposed provisions are summarised in 1.9 above.

The proposed provisions are a Special Information Requirement within the following zones: Residential, Business, City Centre, Public Open Space, General Coastal Marine, Marina, Ferry Terminal, Special Purpose (Healthcare Facility and Major Recreation Facilities), Rural and Subdivision.

“...Special Information Requirements:

A design statement is required for the activities specified in the table(s) below. The design statement is required to include as a minimum the matters indicated within the table as set out in clause G.2.7.2. Drawings, illustrations and supporting written explanation should be proportionate to the complexity and significance of the development proposal. Refer to the ADM for guidance on the preparation of design statements.”

Appropriateness of the Provisions

Relevance

The purpose of the rule is to require applicants for developments in specified zones and of a scale that may impact the wider environment to consider and respond appropriately to the

context the development is set in at a range of scales, prior to preparing their development proposal. This is to enable development that is consistent with the good design principles of:

- Identity, in particular, the recognition and response to context with development enriching character, quality, legibility and sense of place
- Integration, in particular, that development supports existing and/or creates urban form including streets and spaces, to facilitate well-being, movement and access
- Efficiency, in particular, that development optimises the full potential of a site's intrinsic qualities. This includes site shape, relationship to the street, landform, outlook and proximity to services, amenities and infrastructure.

The rule relates to s.7(c) in seeking the maintenance and enhancement of amenity values and s.7(f), the maintenance and enhancement of the quality of the environment, by requiring an applicant to consider their site in the context of adjoining properties and the wider neighbourhood.

Usefulness

Design is both a process (the 'act' of designing) and a product (the design response). The rule adds value by providing a clear methodology by which applicants and the council can interrogate the design process and determine whether the relevant site and neighbourhood characteristics have been taken into account in the proposed design response. A clear set of information requirements, supported by guidance and case studies within the ADM will reduce ambiguity and therefore the likelihood of s92 requests with associated time and cost implications.

Achievability

The rule requires information typical of that generally required for a resource consent application and using base data that is obtainable from council or from visual assessments of the site and surrounding area. It formalises processes already required or advocated by most of the legacy district councils. It formally documents the thinking and processes that would reasonably be expected to be delivered by a competent designer in the provision of a professional level of service.

Reasonableness

In recognition of the Auckland Plan priority to demand good design in all development and the RPS objective of a quality built environment, the rule applies across a wider number of zones and activities than similar legacy provisions. While its application is wider, certainty is provided to applicants in terms of required information and there is the high likelihood of reduced processing times as the design statement sets out those factors relevant to the design response. Applications which fail to provide sufficient information as set out in the relevant Special Information Requirements may be rejected in accordance with s88 of the RMA.

2.1.3 Costs and Benefits of Proposed Policies and Rules

Benefits:

Design statements will improve the quality of development throughout Auckland by supporting development that successfully responds to the unique qualities of its surrounding context. They also help applicants/developers achieve the best value from their projects.

- Benefits for the Applicant and Design Team

A Design Statement presents the rationale behind a development proposal and the many design decisions that have been made by the applicant, which have led to its final form and function.

Preparing a Design Statement also communicates how a development proposal has identified, considered and responded to the unique characteristics of a site. This provides an applicant and their team with an opportunity to illustrate the design process that they have been through in preparing their development proposal. It helps facilitate understanding and agreement between an applicant, Council and the community, based on clear and unambiguous information. A well prepared Design Statement reduces the need for Council to ask for further information during a consent application process, as the rationale for why design decisions have been made is clearly presented.

Rather than creating additional information requirements for an applicant, a requirement to prepare a Design Statement documents the existing design process that should be undertaken in the preparation of all development proposals.

In preparing the Design Statement, any inadequacies of the proposed development will become apparent, highlighting to applicants where changes or improvements are required. As a result, the design process facilitates a quality control 'self-check' for development prior to lodging an application for resource consent.

- **Benefits for the Council**

Receiving the design statement information as part of a resource consent application helps to remove uncertainty that Council officers often encounter when reviewing development proposals that are otherwise open for interpretation. As a result, the potential for incorrect assumptions and delays to seek clarification can be avoided or reduced, streamlining the application review process.

Requiring a design statement looks to firstly strengthen and formalise the design process used for a development and secondly reduce uncertainty that is often present when Council reviews a consent application in the absence of rationale for why certain design decisions have been made. Therefore, both improving quality of design and offering greater transparency.

Costs:

The requirement for a design statement may result in a perceived increase in the amount of information required to be submitted as part of a resource consent application, and therefore time and cost implications. However, most of the information required to accompany a design statement is also specified in the general information requirements for all resource consent applications – e.g. existing site plan, proposed site plan, proposed elevations. The additional information elements are triggered for larger scale and complex applications, and are necessary to assess their environmental effects, and would be expected as part of a resource consent application regardless. What a design statement requires of an applicant is a holistic consideration of the context of their development proposal, an analysis of the opportunities and constraints and a design response to those.

It is considered that a monetisation of the costs of preparation of a design statement is difficult, as each site and development proposal has their own unique characteristics and constraints which will dictate the type and amount of information required. The information required to prepare a design statement would be derived from the deliverables that would be reasonably expected to be provided by a competent designer to their client in the provision of a professional level of service. This is supported by the New Zealand Institute of Architect's (NZIA) schedule of services which sets out a series of clear stages within its standard contract of architectural services (NZIA AAS 2011 Form of Agreement). The first four project stages are necessary to gain resource consent and include "Pre-Design" (which includes the context analysis and opportunities and constraints analysis elements of a Design Statement), "Concept Design", "Preliminary Design" and "Developed Design" (Design Response). What may differ is that the information a designer has used to inform their final

developed design is now provided to not just their client, but also the Council, in the form of a Design Statement.

Given that the information required to prepare a design statement forms part of the standard project stages an architect would undertake to obtain resource consent, there should be no additional costs incurred, except for that involved in collation and printing of the documentation, and will vary according to the scale and complexity of the project. In terms of the overall project costs, an architectural services fee bid is typically up to 10% of the total construction cost of a single dwelling. Of that fee, between 9% and 48% would be incurred up to resource consent approval stage (which is equivalent to NZIA developed design stage) depending on the complexity of the project, extent of engagement with client, stakeholders and the local statutory authority etc (NZIA Guide to Architect's Services). To confirm this, fee proposals were also sought from three architectural design practitioners with appropriate professional qualifications, providing the required level of service as set out by the NZIA, for an average sized house of 219m²⁸ with a mid-range speculative single house construction cost of \$1648/m²⁹, giving a total construction cost of \$360,912. The received fee estimates were on average 10% of the total construction cost, and up to resource consent stage, fees were 25-30% of the total fee, or 2.5-3% of the total construction cost for design services. This corroborates the NZIA's guidance of fees of 9-48% of the total fee up to resource consent stage, which provides a median of 30% of the total fees or 3% of the construction cost. The preparation of a design statement would comprise a very small component of 30% of fees up to resource consent stage.

2.1.4 Adequacy of Information and Risk of Not Acting

It is considered that there is sufficient information on which to base the proposed policies and methods. There is sufficient evidence that design statements are already utilised in both a statutory setting in many of the legacy councils and form part of the standard services expected by a competent designer in the formulation of a development proposal. This risk of not acting is that the quality of Auckland's built environment and in particular its response to its unique setting and character will continue to be degraded by poor quality development.

3 Alternatives

The proposed preferred alternative is discussed in 2.0 above. The status quo alternative is outlined in 1.5 above.

Alternatives are:

- 1. Non-statutory Design Guidance** - Assess the appropriateness of a proposal's design response to its site and context by non-statutory guidance within the Auckland Design Manual.

The table below discusses each alternative compared to the Proposed Alternative.

⁸ Statistics NZ commissioned data analysis for BRANZ, 2011.

⁹ Source : Department for Building & Housing (<http://www.dbh.govt.nz/officials-estimated-building-costs>)

	Alternative 1 – Status Quo - Legacy plans approach	Alternative 2 - Non-statutory design guidance	Alternative 3 – Preferred - Design statements
Description	<p>Description: Provide a generic list of information required to accompany a resource consent application for specified activities, as part of a site and context analysis and design response, with the Unitary Plan retaining a general discretion that the level of information required matches the scale of the proposal.</p> <p>All of Auckland’s legacy councils acknowledge the importance of design quality and the role of a context analysis being undertaken prior to preparing a development proposal. Many of the legacy district plans, including those of Auckland City Council, North Shore City Council and Waitakere City Council, require variants of what the plans refer to as a site and neighbourhood analysis, context analysis and a design response to assess the quality of a development in regard to its physical setting. These legacy provisions acknowledge that good design does not occur through prescriptive rules, but via a thorough design process that considers the attributes of a site and its surrounds.</p> <p>These are required by way of rules, and form part of an information requirement to be provided with applications for specified activities that require resource consent. In general, the legacy plans rules contain a broad list of information that may be required for the activities, together with a design response, typically in the form of plans, photographs, elevations and text, demonstrating how the proposal responds to its context.</p> <p>The common approach requires both a site and context analysis and design response, but is not specific about the exact information an application must cover. Instead, there are statements to the effect that the level of information provided should be proportionate to the scale of the activity.</p> <p>Further details of the approaches used in the legacy plans of the Auckland City Council, North Shore City Council and Waitakere City Council are below.</p> <p>Auckland City Council</p> <p>The Auckland City Council District Plan (isthmus section) requires the provision of a site and context analysis and design response for all consent applications in the Residential 1 and 2 zones, consent applications for four or more residential units in the Residential 6 and 7 zones, and residential development within the Residential 8 zone.</p> <p>For development requiring consent in the Residential 1 and 2 zones, Appendix 13 to the plan contains a general list of bullet pointed information matters for the required site and context analysis and design response. These include:</p> <ul style="list-style-type: none"> • information relating to the site, such as existing buildings, buildings to be retained or demolished, existing trees and fencing, and any other features that ‘may present a critical design constraint’ • information relating to the surrounding area, such as the built form, scale and style of surrounding buildings, the setback of existing houses, and scheduled trees and buildings • scaled plans, photographs and text showing how the design derives from the site and context analysis. <p>Appendix 13 specifies that the ‘information required will depend on the</p>	<p>Assess the appropriateness of a proposal’s design response to its site and context by non-statutory guidance within the ADM.</p> <p>The ADM is a companion document to the Unitary Plan that provides best-practice guidance on design as a process. The ADM has several purposes, one of which is to provide guidance to resource consent applicants on quality development.</p> <p>In place of an information requirement within the Unitary Plan for a site and context analysis and design response, this approach provides guidance within the ADM as to how to undertake context responsive development.</p>	<p>This alternative uses the same elements used in Alternative One with greater detail and levels of specificity, reframed as design statements. Areas of commonality with Alternative One are:</p> <ul style="list-style-type: none"> • listing information required to accompany a resource consent application for specified activities as part of a design statement, which requires a context analysis and design response <p>Areas of difference with Alternative One are:</p> <ul style="list-style-type: none"> • provide greater detail as to the type of information required • expressly tailor the extent and type of information required to the complexity and scale of the proposal • provide supplementary and explanatory guidance in the ADM. <p>This alternative would specify the information to be submitted with a design statement, effectively choosing from a design statement ‘menu’ a range of applicable site and neighbourhood context and design response elements. The rules would specify which elements are appropriate to the activity proposed, with much of the information typical of that required for a resource consent application and relevant to the matters of discretion to be considered in assessment of the proposal.</p> <p>This Unitary Plan content would be supported by a dedicated homepage within the ADM for design statements, providing examples of design statements for the most common project types, and explanatory text and images on to how to prepare a design statement and source the necessary information.</p>

Alternative 1 – Status Quo - Legacy plans approach	Alternative 2 - Non-statutory design guidance	Alternative 3 – Preferred - Design statements
<p>scale and nature of the proposal.' It does not detail the exact level or type of information required for specific activities.</p> <p>Appendix 10 sets out the information requirements for a site and context analysis and design response where required in the Residential 6, 7 and 8 zones.</p> <p>It has a similar structure to the Appendix 13 requirements, listing the required elements of a site and context analysis in relation to the site and the surrounding area. However, additional matters are detailed, including:</p> <ul style="list-style-type: none"> • access points • drainage and services • orientation and slope • private open spaces and habitable room windows on nearby residential properties • solar access to adjoining residents to main living room windows and private outdoor space • characteristics of any abutting public open space • road-frontage features such as poles, street trees, and vehicle crossings • direction and distances to local shops, schools and public transport stops and open space. <p>North Shore City Council The North Shore City District Plan requires a context analysis and urban design statement for all limited discretionary activity applications in the Business 1-4 zones and part of the Business 9 zone. Section 15.6.2.11 of the plan sets out the requirements for a:</p> <p>Context analysis</p> <p>a) In relation to the site:</p> <ul style="list-style-type: none"> • orientation and topography • sun and shade characteristics, as shown by shadow diagrams • prevailing winds <p>b) In relation to the surrounding area:</p> <ul style="list-style-type: none"> • built form, scale and character of the surrounding buildings • significant views to, through and from the site • nearby scheduled buildings and trees • street and block patterns • pedestrian connections with surrounding area • location of existing active, pedestrian focused street frontages • location of and connections to any public amenity areas. <p>Urban design statement This is similar in approach to the requirement for a design response in the Auckland City Council District Plan (isthmus section). Additional levels of detail are requirements for:</p> <ul style="list-style-type: none"> • a scaled street elevation showing the proposal in the streetscape context by way of a drawing or photomontage • an explanation of how the design responds appropriately to the location of pedestrian focused street frontages. <p>The plan gives some general direction at 15.6.2.11.2(c) on the extent of the required context analysis, specified as being a guide. This states that the information provided must address an area sufficient to enable the context of the proposal to be understood, with larger developments providing analysis over 400m from all site boundaries,</p>		

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	<p>and smaller scale developments providing analysis over a range from directly adjoining sites to two times the length of the road frontage of the subject site.</p> <p>Waitakere City Council approach The Waitakere City Council District Plan requires a site and context analysis and a design response for all applications for medium density housing, apartments, mixed use and retail development (new buildings or additions over 100m² GFA).</p> <p>City Wide Rule 2.1 sets out the information to be provided. This includes much of the information required in the Auckland City Council and North Shore City Council plans, with the addition of:</p> <ul style="list-style-type: none"> • contours at 05.m intervals • outline of existing buildings on adjoining sites • potential noise sources • community facilities and distance from the site (i.e. corner shop, bus stop, parks, schools). 		
Appropriateness	The approaches used in the legacy plans generally support objective 2.2.2.1. However, their inconsistent application across zones and activities, along with the ambiguity of information requirements creates the potential for a wide range of quality in terms of the information provided and the resultant built form quality.	Given the importance of achieving a quality built environment, situated at the RPS level of the Unitary Plan, this alternative is inappropriate. Its non- statutory nature, as guidance only, gives it little weight.	The alternative supports objective 2.2.2.1 by requiring a level of information that is commensurate with the RPS level importance of the objective.
Effectiveness	The legacy plan approach, on balance, lacks in effectiveness when considering the importance of the RPS level objective of a quality built environment and the uncertainty, both for applicants and council, of the type and level of information that may be provided. The importance of design as a process, and design statements being a tool to communicate that process, is undermined if design statements are prepared after a development proposal is finalised.	The alternative is not effective in achieving the purpose of objective 2.2.2.1 due to its non statutory nature and therefore lack of certainty that the guidance will be incorporated into design proposals.	<p>The alternative is an effective means of achieving objective 2.2.2.1 as it is applied across a range of scales and activities, giving effect to the mandate to demand good design in all development. It provides a clear design methodology, requiring an applicant to record and analyse their site’s context, identify opportunities and constraints, and respond to those as part of their development proposal. This methodology will enable the creation of quality built environments across a range of zones and scales.</p> <p>The design statement methodology also provides an enhanced level of certainty to applicants in regards to the type and detail of information required.</p>
Efficiency	The legacy plan approach is generally not efficient in delivering a quality built environment as it is applied inconsistently across zones and activities; and due to the uncertainty of the level and type of information required for any application having potential adverse time and cost implications.	<p>The alternative is not efficient as, while up front information requirements are reduced for applicants, processing times may be increased as council officers request further information to satisfy matters of discretion and assessment criteria.</p> <p>Even if the community adopts the ADM as a best practice document, the time taken to take up that guidance and educate applicants on best-practice approaches will be significantly longer than a regulatory approach.</p>	<p>The alternative is an efficient means of achieving the objective due to the combination of specifying the exact information a particular application must provide for a design statement and going into further detail than the approach used in the legacy plans as to what the nature of that information is.</p> <p>It also acknowledges that good design is context specific and does not dictate a particular design response, rather it provides a methodology that enables the applicant to demonstrate why their design is appropriate for the site.</p>
Costs	Administration of the legacy rules has shown an inconsistent application of the information requirements due to their broad and often ambiguous nature, resulting in poor quality design statements often being prepared after a development proposal has been finalised as a result of s. 92 requests. In most instances, this also means the applicant has only considered their context after a development proposal has been finalised, with the design statement trying to justify their design. This undermines the purpose of these rules in requiring an approach where development responds to context.	<p>A non-statutory approach was taken by Rodney District Council (Rodney District Development Design Guide), Manukau City Council (Residential Apartment Design Guide) and Franklin District Council (Urban Residential Design Guide) in preparing site context analyses and design responses. Due to their non-statutory nature, applicants are not required to have regard to them and relatively little weight can be afforded to them as a s104(1)(c) matter.</p> <p>The costs of this alternative include the inability of council to reject an application as incomplete under s. 88(3) of the RMA, to require further</p>	<p>There is potential for a perceived increase in the amount of information required to be submitted as part of a resource consent application. However, most of the information required to accompany a design statement is also specified in the general information requirements for all resource consent applications. The additional information elements are triggered for larger scale and complex applications, and are necessary to assess their effects.</p> <p>The design statement requirements are derived from the deliverables that would be reasonably expected to be provided by a competent</p>

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	<p>Responding to this issue, adopting the legacy plans' approach and potentially applying it to a wider range of activities to achieve a design-led plan is likely to result in council resource costs in guiding applicants on the need and rationale behind preparing a site and context analysis as a prerequisite to a design response. Costs to an applicant include time delays as a result of s. 92 requests due to the ambiguity of the legacy plan rules and associated information requirements. Wider environmental costs include poorly designed developments which are not responsive to their context and detract from the sense of place and unique qualities of their neighbourhood.</p>	<p>information under s. 92 in relation to a site's context; and ultimately to refuse consent to development that responds inappropriately to its context.</p> <p>Time delays in processing of applications are also likely to result from further information requests to provide sufficient information to adequately assess the application against design related assessment criteria. This could more effectively be dealt with through up-front information requirements. The applicant is also likely to incur additional time delays and costs in council processing staff undertaking their own context analysis to determine consistency with objectives and policies.</p>	<p>designer to their client in the provision of a professional level of service. This is supported by the New Zealand Institute of Architect's (NZIA) schedule of services which sets out a series of clear stages within its standard contract of architectural services (NZIA AAS 2007 Form of Agreement). The first four project stages are necessary to gain planning approval and include "Pre-Design" (which includes the context analysis and opportunities and constraints analysis elements of a Design Statement), "Concept Design", "Preliminary Design" and "Developed Design" (Design Response). What may differ is that the information a designer has used to inform their final developed design is now provided to not just their client, but also the Council, in the form of a Design Statement. This may incur additional costs in collation and printing of the documentation, and will vary according to the scale and complexity of the project.</p>
Benefits	<p>Familiarity with the legacy provisions for both applicants and council officers would enable continued ease of use and understanding of the rules. A further benefit is the perceived simplicity of approach with relatively few information requests. However, as discussed above, this simplicity often leads to ambiguity and s.92 requests.</p>	<p>The methodology for undertaking a design statement along with the information requirements can be amended without a plan change. Design statements as a design tool can also be supported by a wider range of explanatory information including case studies.</p> <p>This alternative also reduces the amount of up-front information that applicants need to provide as part of a resource consent application.</p>	<p>Design statements will improve the quality of development throughout Auckland by supporting development that successfully responds to the unique qualities of its surrounding context. They also help applicants/developers achieve the best value from their projects.</p> <p>In clarifying the rationale and reasons that have led to a particular design response, design statements will remove the uncertainty that is often present when council reviews a consent application and provide transparency to both an applicant and the council.</p> <p>Design statements provide information to council at lodgement stage related to those general design matters over which discretion is retained and to the topics with which assessment criteria are concerned. In doing so, there is a high likelihood that there will be a reduced need for further information requests.</p> <p>Design statements streamline and integrate ambiguous information requirements within legacy plans, and focus information requirements on demonstrating how they respond to zone objectives rather than using generalised information requirements.</p> <p>Design statements improve efficiency within the consent process by clearly outlining council's expectations for information to be submitted. The predominantly visual approach to presenting this information also enables quicker assessment of a development proposal.</p> <p>Design statements are applicable across a range of scales (site, street, neighbourhood, city etc) and activities, providing a single approach to a design methodology.</p>
Risks	<p>The risks of continuing to use the legacy plan approach to a site and context analysis and design response is, when applied more widely to achieve the objective of a quality built environment, the lack of detail as to the required level of information will create uncertainty for applicants and delays in the processing of consent applications. The legacy rules were also applied to relatively few zones and activities and are not easily transferable to a wider range of zones and activities. Overall, the legacy provisions have not resulted in an improvement in the quality of consent applications or the built environment.</p>	<p>The risks of this alternative are that applications that display a poor response to context are able to be lodged with no check and balance, due to the non statutory nature of ADM guidance, causing time and processing delays. The quality of the built environment will vary and may be of a lower quality when compared to a statutory method.</p>	<p>The alternative proposes a more detailed approach to information required to substantiate a suitably context responsive design solution and tailoring that information to the specific activity. In doing so, it provides a higher level of certainty of good design solutions. However its application to a wider range of activities and zones may be met with resistance due to the perceived increase in information requirements. It is considered however that the information required is tailored to the scale and complexity of the application and would be required to understand the effects of the proposal.</p>

4 Conclusion

Based on the above discussion, the following conclusions are drawn.

Design statements (or similar) are a widely used method of delivering quality built environments in Auckland's legacy district plans, within New Zealand and internationally. They are one tool that the Unitary Plan proposes, alongside rules and non-statutory methods, to help prevent poorly designed places and acknowledge that good design does not occur with prescriptive rules alone. A design process that considers the attributes of a site and its surrounds, identifies the opportunities and constraints afforded by that context, and responds appropriately, will result in a development proposal that responds to a site and neighbourhood's unique characteristics, therefore reinforcing and enhancing the sense of place.

As the density of development in Auckland increases, so does the potential for adverse liveability outcomes to emerge between ever more proximate activities. Accordingly, the requirement for quality design should also increase with density. Development controls do not deliver design quality as it not possible to provide physical measurements in the form of development controls for all of the attributes necessary to achieve a quality development, and contribute to a quality public environment. Many important amenity-related qualities are not measurable and otherwise emerge as a cumulative function of many overlapping influences. Design statements provide the methodology for identifying, analysing and resolving all of these influences, at a range of scales.

It is considered that Alternative 3, which requires design statements for a range of activities within specified zones supported by a detailed information requirement, is the most appropriate method to give effect to RPS objective 2.2.2.1(a) and (d). This alternative would also be supported by non-statutory design guidance and case studies within the ADM. This alternative provides council with a statutory basis to require applicants to consider their development proposal within a wider context, but also has the benefits of broader non-statutory guidance within the ADM.

Consequently, the following rules are recommended:

1. Special information requirements:

A design statement is required for the activities specified in the tables below. The design statement must include as a minimum the matters indicated within the table in clause G.2.7.2. Drawings, illustrations and supporting written explanation should be proportionate to the complexity and significance of the development proposal. Refer to the ADM for guidance on the preparation of design statements.

This rule is contained within the special information clause of the following zones:

- Residential
- Business
- City Centre
- Public Open Space
- Subdivision
- Rural
- General Coastal Marine
- Marina
- Ferry Terminal
- Special Purpose: Healthcare facility
- Special Purpose: Major recreation facility

Clause G.2.7.2 Design statements sets out the constituent parts and information requirements of a design statement, namely a:

- a. Context analysis
 - i. site analysis
 - ii. neighbourhood analysis
 - iii. opportunities and constraints analysis
- b. Design response

The supporting schedule of design statement information requirements contains sub-elements within both the context analysis and design response, which are identified within the special information requirements of the relevant zone rules.

5 Record of Development of Provisions

5.1 Information and Analysis

- Review of New Zealand and International Precedents for Design Statements (Auckland Council, 26.04.2013) (Appendix 3.7.1)
- Comparison of Legacy District Plan provisions with Design Statements (Auckland Council, 21.08.13) (Appendix 3.7.2)
- Design Statements and New Zealand Institute of Architects Project Services and Cost Estimates (Auckland Council, August 2013) and New Zealand Institute of Architects Agreement for Architects Services (NZIA, 2011) (Appendix 3.7.3)
- Design Statement Case Studies (Urbanism+): (Appendix 3.7.4)
 - Five Detached Dwellings (21.03.2013)
 - Commercial Building (15.03.2013)
 - Apartment Building (26.02.2013)

5.2 Consultation Undertaken

Public Consultation:

The March draft of the Unitary Plan received 19 feedback points in relation to design statements, which are summarised below:

In Support:

Six feedback points in support were received, including from the New Zealand Institute of Architects.

Amendments sought:

Eight feedback points sought amendments to the proposed provisions, primarily relating to the thresholds for when design statements apply. Amendments were made to the design statement thresholds as a result of feedback, particularly the information requirements for design statements relating to subdivision applications; the thresholds for design statements within business zones; and the use of design statements within the general coastal marine zone.

In opposition:

Five feedback points in opposition were received, seeking deletion of design statements in their entirety. This feedback generally stated that applicants already provide most of this information and is not necessary to provide a Design Statement. This is not supported as the quality of applications is highly variable and design statements are one method the unitary plan will use to achieve a high quality urban environment. Within Auckland, NZ and internationally the use of design statements is well recognised as a best practice approach to deliver a quality built environment. The quality of our built environment is paramount as

we intensify and that quality is intrinsically linked to a developments' responsiveness to its context. Objections received also related to the recommendation for applicants to engage with Council via the pre-application process. This is not a rule and forms part of the explanatory text to support the design statement rule and is a recommendation in line with Council's best practice guidelines.

Council Consultation:

Consultation was undertaken throughout 2012 and 2013 with Council departments including the Built Environment Unit, Resource Consents, Heritage, Infrastructure and Environmental Services; Air, Land, Water and Coastal; Litigation and Regulatory; Treaty of Waitangi and Regional and Local Planning. Feedback from these departments has assisted in the formulation of the Design Statement information requirements and special information requirements.

5.3 Decision-Making

No specific political working party decisions have been made in relation to these provisions.