

***Proposed District
Plan Change 38***

**Residential Character -
Demolition of pre-1930 Buildings in
Newtown, Berhampore and Mt Cook**

**Includes amendments arising from
the hearing of submissions**

Absolutely

POSITIVELY

ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL

Wellington

WELLINGTON CITY DISTRICT PLAN

PROPOSED, DISTRICT PLAN CHANGE 38 – RESIDENTIAL CHARACTER. CONTROL OF DEMOLITION OF PRE-1930 HOUSES IN NEWTOWN, BERHAMPORE AND MT COOK

ALTERATIONS TO THE WELLINGTON CITY DISTRICT PLAN

Detailed below are the alterations to the Wellington City District Plan to incorporate changes to the Definitions and Residential Area chapters. To assist the understanding of the new provisions an annotated copy of the Residential Areas (Chapter 4) and Residential Rules (Chapter 5) are attached as Appendix One.

A. ALTERATIONS TO VOLUME ONE, DEFINITIONS

Chapter 3, “Definitions”. Insert new provisions by making the following **amendments**:

1. **Add** the following text to the first definition of Demolition (which refers to ‘Appendix 9 to Chapter 5’), after ‘Mt Victoria’:

“Newtown, Berhampore & Mt Cook.”

2. **Add** the following text to the first definition of Demolition (which refers to ‘Appendix 9 to Chapter 5’), after ‘definition of “additions and alterations”’:

“In Newtown, Berhampore and Mt Cook demolition also includes the removal, destruction or taking down of architectural features or elements on the ‘primary elevation(s)’ of any building, except where that is permitted as ‘repair or maintenance’.”

3. **Add** the following text after the definition of ‘Plan or District Plan’:

PRIMARY ELEVATION(S) (FOR THE PURPOSE OF BUILDINGS IN NEWTOWN, BERHAMPORE AND MT COOK – REFER APPENDIX 9 TO CHAPTER 5 OF THE PLAN): means the elevation(s) of a building that contribute to the historical architectural character of the streetscape and neighbourhood. The primary elevation is usually the dwelling’s most prominent and detailed elevation.

The primary elevation is usually the elevation (or elevations in the case of a corner sites) that fronts to the street. There are three areas where the buildings main elevation has been oriented away from the street towards a view or outlook. These properties (identified in Appendix 9) front onto Kenwyn Street, Tasman Street and Wright Street. For the Tasman Street properties both the street elevation and the rear elevation are considered to be primary elevations. For the Kenwyn Street and Wright Street properties only the rear elevations are primary elevations.

The primary elevation consists of all those features that contribute to the form and style of the building, including but not limited to:

- materials,
- detailing,
- window/wall ratios,
- architectural features and elements such as bay windows, verandahs, porches, turrets or steps.

4. **Add** the following text after the definition of Recreation Activity:

Appendix 2

REPAIR OR MAINTENANCE (FOR THE PURPOSE OF PRE-1930 BUILDINGS IN NEWTOWN, BERHAMPORE AND MT COOK – REFER APPENDIX 9 TO CHAPTER 5 OF THE PLAN) includes:

- (i) any repair that substantially preserves or recreates the original structural appearance and materials of the buildings primary elevation(s).
- (ii) any repair (including the replacement of any element reasonably required to maintain the building in a sound or weather proof condition or to prevent deterioration of the building fabric) using the same materials or materials of similar texture, form, profile and strength.

but does not include:

- (iii) any demolition of any structural element.

For the purpose of this definition:

‘structural’ in relation to any building means any façade or exterior wall.

B. ALTERATIONS TO VOLUME ONE, RESIDENTIAL AREAS

Chapter 4, “Residential Areas”. Insert new provisions by making the following **amendments**:

5. **Add** the following text to the explanation of Policy 4.2.3.2, in the third sentence of the first paragraph after ‘[Aro Valley]²’:

“Newtown, Berhampore & Mt Cook.”

6. **Add** the following text to the explanation of Policy 4.2.3.2, in the second sentence of the second paragraph after ‘Mt Victoria’:

“Newtown, Berhampore & Mt Cook.”

C. ALTERATIONS TO VOLUME ONE, RESIDENTIAL RULES

Chapter 5, “Residential Rules”. Insert new provisions by making the following **amendments**:

7. **Amend** the “Guide to Rules”, by adding the following text after ‘Thorndon’ in the explanation to Rule 5.3.11:

“Newtown, Berhampore and Mt Cook.”

8. **Amend** the ‘Schedule of Appendices’ by adding the following text after ‘Mt Victoria’ to the description of Appendix 9:

“Newtown, Berhampore and Mt Cook.”

9. **Add** new text to Rule 5.1.4, following ‘Mt Victoria’ in the third bullet point:

“Newtown, Berhampore and Mt Cook.”

10. **Add** new text to Rule 5.3.11 after ‘Mt Victoria’:

“Newtown, Berhampore or Mt Cook.”

11. **Add** the following text to Rule 5.3.11, at the end of the Non-notification statement:

“This non-notification statement does not apply in Newtown, Berhampore and Mt Cook”

Appendix 2

12. **Add** the following text to Rule 5.3.11, after Assessment Criteria 5.3.11.4:

“5.3.11.4.A In Newtown, Berhampore and Mt Cook, the extent to which any work will compromise or destroy any pre-1930 architectural features or materials on the primary elevation(s). Whether the demolition and work will detract from the architectural style and character of the existing building, and have adverse effects on the special character of the streetscape and neighbourhood as a whole.

5.3.11.4.B In Newtown, Berhampore and Mt Cook, in relation to rear sites, the level of visibility of the primary elevation from the street or other public space”

5.3.11.4.C In Newtown, Berhampore and Mt Cook the extent to which the replacement building(s) are consistent with the content of the Southern Inner Residential Areas Design Guide for Multiunit Development.

13. **Add** the following text to Rule 5.3.11, in the first line of the explanation after “Thorndon”

“Newtown, Berhampore and Mt Cook.”

14. **Add** the following text to Rule 5.3.11, after the third paragraph of the explanation:

“In Newtown, Berhampore and Mt Cook consideration will be given to the impact on streetscape and neighbourhood character of the removal or demolition of architectural features and elements from a building’s primary elevation(s). The special character of these neighbourhoods is perceived, by the public at large, from the street. What can be seen from the street is collectively referred to as streetscape. In most instances the ‘primary elevation(s)’ will be the elevation of the building that faces the street. However there are three areas where the main elevation of the buildings have been oriented away from the street, towards a view or outlook. In this situation the main elevation is often still visible from surrounding streets and public spaces (albeit from an increased distance) and contributes to the overall character of the neighbourhood. The three areas front on to Kenwyn Terrace, Tasman Street and Wright Street respectively and are identified in Appendix 9.

Depending on the nature of the work, additions and alterations may constitute the removal or demolition of architectural features from the primary elevation.

Because the design quality of the replacement building(s) is an important factor in considering an application to demolish a pre-1930 building, any consent granted will be conditioned to ensure that the replacement structure is built strictly in accordance with the plans submitted with the resource consent.”

15. **Add** the following text to Rule 5.3.11, in the second line of the fourth paragraph of the explanation after ‘Thorndon’:

“Newtown, Berhampore and Mt Cook.”

16. **Add** the following text to Rule 5.3.11, at the end of the fourth paragraph:

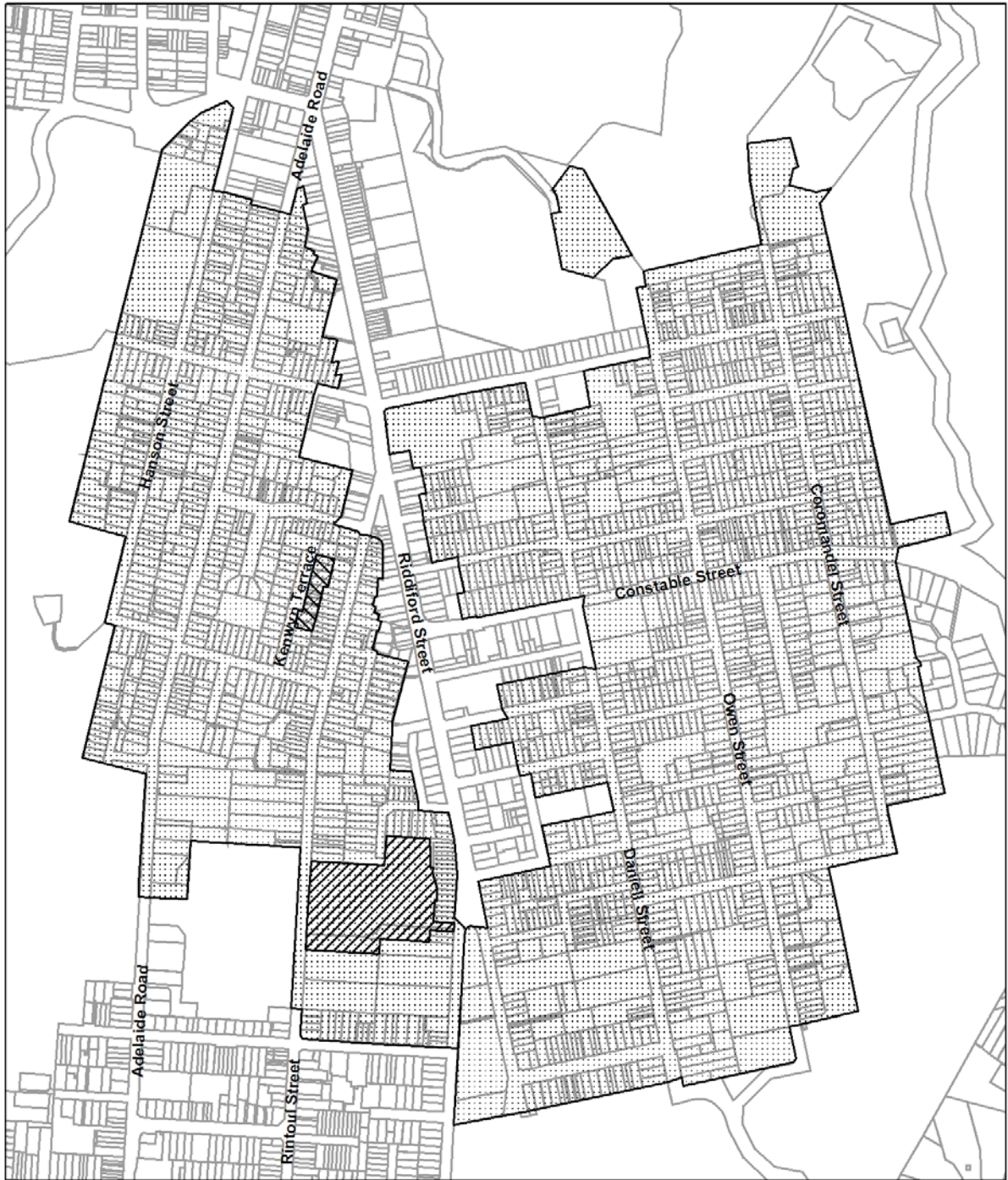
“The requirement to consult with the local residents association does not apply to applications for resource consent in Newtown, Berhampore and Mt Cook.”


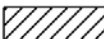

17. **Add** the following text to the title of Appendix 9 to Chapter 5, after ‘Mt Victoria’:

“Newtown, Berhampore and Mt Cook.”

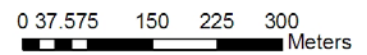
18. **Add** the following maps to Appendix 9 (Chapter 5), after the Map titled ‘Appendix 9 (Chapter 5): Thorndon (except the Thorndon Character Area)’:

APPENDIX 9 (CHAPTER 5)
NEWTOWN

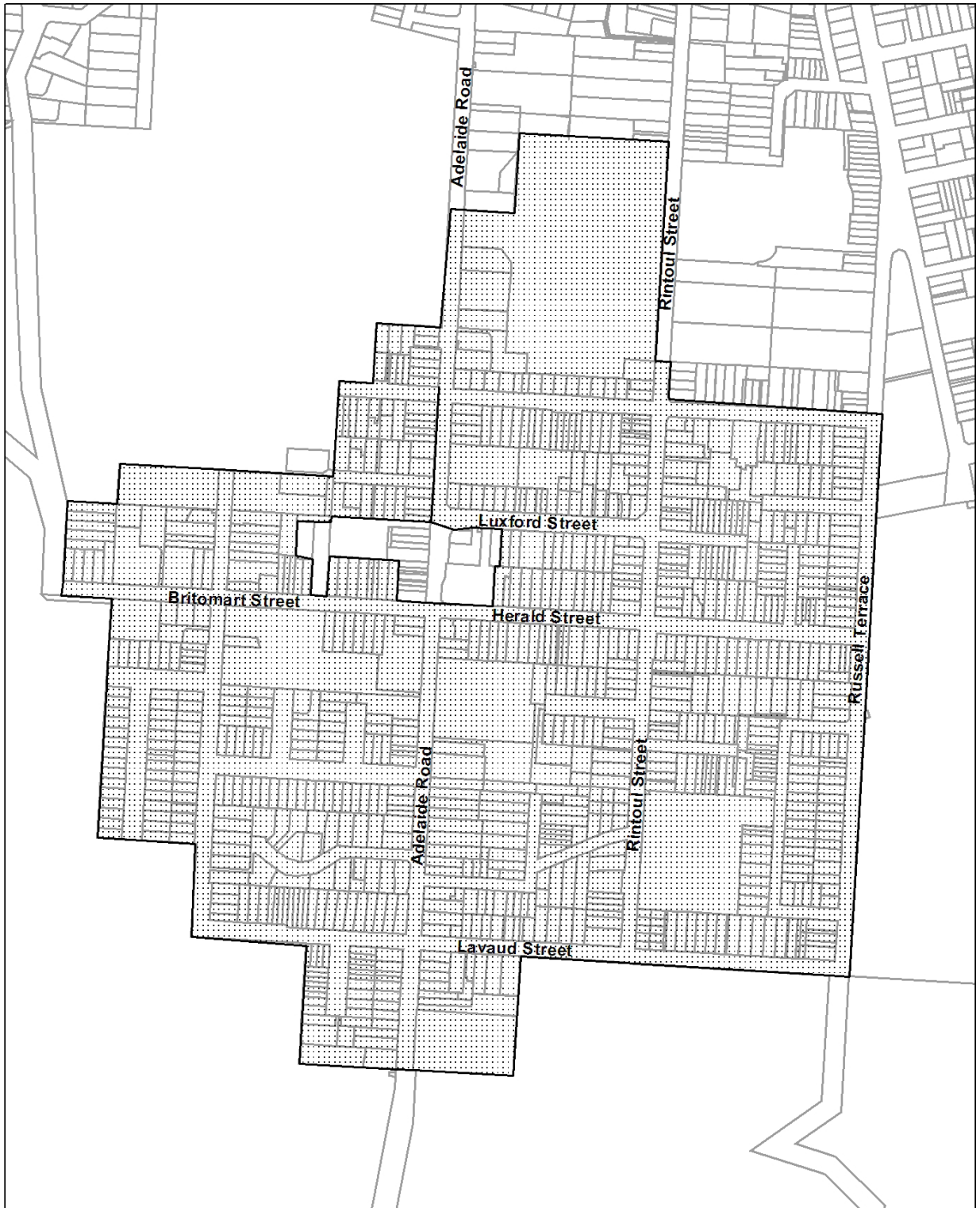


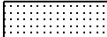
-  Newtown
-  Area not subject to rule 5.3.11
-  Properties where the rear elevation is the 'primary elevation' for the purposes of rule 5.3.11 (No.s 8-26 Kenwyn Terrace).

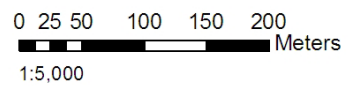
1:7,000



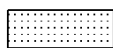
APPENDIX 9 (CHAPTER 5)
BERHAMPORE



 Berhampore



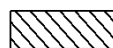
APPENDIX 9 (CHAPTER 5)
MT COOK



Mt Cook

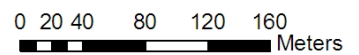


Properties where the rear elevation is the 'primary elevation' for the purposes of rule 5.3.11 (No.s 49-63 Wright Street).



Properties where the front and rear elevations are 'primary elevations' for the purposes of rule 5.3.11 (No.s 99-115 Tasman Street).

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**PROPOSED DISTRICT PLAN CHANGE 38:
RESIDENTIAL CHARACTER. CONTROL OF DEMOLITION
OF PRE-1930 HOUSES IN NEWTOWN, BERHAMPORE AND
MT COOK**

**ANNOTATED CHAPTERS OF THE OPERATIVE DISTRICT
PLAN INCLUDING PROPOSED DISTRICT PLAN CHANGE
PROVISIONS & AMENDMENTS RESULTING FROM THE
HEARING OF SUBMISSIONS**

Key to annotated text

- New text added as part of the draft proposed plan change is underlined
- New text added following the hearing of submissions is underlined & highlighted
- Existing text (Operative District Plan) to be deleted is ~~struck through~~
- Proposed new text to be deleted following the hearing of submissions is ~~underlined and struck through~~

Note

This annotation does not form part of the Plan Change and is for information purposes only.

3.10 Definitions

DEMOLITION (FOR THE PURPOSE OF BUILDINGS IN THORNDON, AND MT VICTORIA, NEWTOWN, BERHAMPORE AND MT COOK - REFER APPENDIX 9 TO CHAPTER 5 OF THE PLAN): means the removal, destruction or taking down of the “primary form” of any building, except, where that is permitted as “repair and maintenance”, or where it is within the definition of “additions and alterations”. In Newtown, Berhampore and Mt Cook demolition also includes the removal, destruction or taking down of architectural features or elements on the ‘primary elevation(s)’ of any building, except where that is permitted as ‘repair or maintenance’.

PRIMARY ELEVATION(S) (FOR THE PURPOSE OF BUILDINGS IN NEWTOWN, BERHAMPORE AND MT COOK – REFER APPENDIX 9 TO CHAPTER 5 OF THE PLAN): means the elevation(s) of a building that contribute to the historical architectural character of the streetscape and neighbourhood. The primary elevation is usually the dwelling’s most prominent and detailed elevation.

The primary elevation is usually the elevation (or elevations in the case of a corner sites) that fronts to the street. There are three areas where the buildings main elevation has been oriented away from the street towards a view or outlook. These properties (identified in Appendix 9) front onto Kenwyn Street, Tasman Street and Wright Street. For the Tasman Street properties both the street elevation and the rear elevation are considered to be primary elevations. For the Kenwyn Street and Wright Street properties only the rear elevations are primary elevations. An exception to this occurs where a building’s main elevation is oriented away from the street towards a view or outlook. This is due to the topography of the area and normally occurs where the ground level slopes steeply away from the street frontage. In this situation both the street elevation and the main elevation shall be considered to be primary elevations for the purpose of Rule 5.3.11.

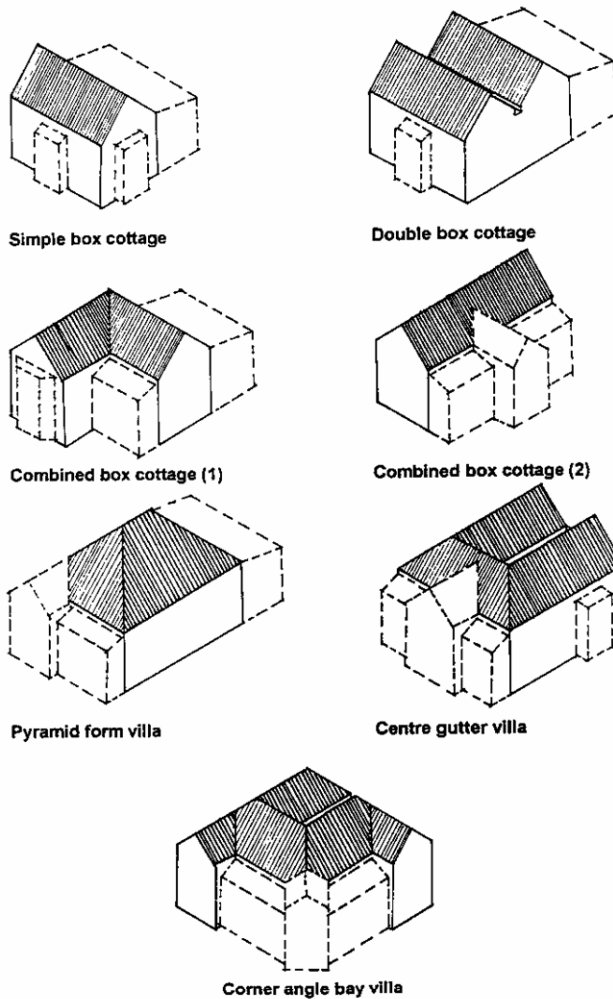
The primary elevation consists of all those features that contribute to the form and style of the building, including but not limited to:

- materials,
- detailing,
- window/wall ratios,
- architectural features and elements such as bay windows, verandahs, porches, turrets or steps.

PRIMARY FORM (FOR THE PURPOSE OF RULE 5.3.11): means the simple form that is central to and the basis of the dwelling. It is typically the largest identifiable form or combination of relatively equal sized geometrically simple and box-like forms.

Primary Form Diagrams

- Solid line indicates primary form
- Broken line indicates secondary or tertiary form
- Examples drawn are indicative rather than comprehensive in scope



REPAIR OR MAINTENANCE (FOR THE PURPOSE OF PRE-1930 BUILDINGS IN NEWTOWN, BERHAMPORE AND MT COOK – REFER APPENDIX 9 TO CHAPTER 5 OF THE PLAN) includes:

- (iv) any repair that substantially preserves or recreates the original structural appearance and materials of the buildings main elevation(s).
- (v) any repair (including the replacement of any element reasonably required to maintain the building in a sound or weather proof condition or to prevent deterioration of the building fabric) using the same materials or materials of similar texture, form, profile and strength.

but does not include:

- (vi) any demolition of any structural element.

For the purpose of this definition:

'structural' in relation to any building means any façade or exterior wall.

4.2 Residential Objectives and Policies

4.2.3.2 Maintain the special character of identified residential character areas.

METHODS

- Rules
- Design Guides (Mt Victoria North, Thorndon)

Within Residential Areas particular neighbourhoods have an identifiable or distinct character. Wellington examples include Thorndon, Mount Victoria and [Aro Valley]¹. Thorndon, Mt Victoria, ~~and~~ [Aro Valley]², Newtown, Berhampore, and Mt Cook also contain large numbers of older buildings which collectively are important to the identity of Wellington City as a whole. A number of these buildings are listed heritage buildings. Council considers the collective character of these areas is important and they should be more fully protected from inappropriate or unsympathetic development.

Therefore, Council has incorporated, as part of this Plan, Design Guides for some residential neighbourhoods (eg Thorndon Character Area Design Guide) and placed extra controls on multi-unit housing for others (eg Thorndon, Mt Victoria and [Aro Valley]³). The Council has also included rules restricting the demolition of pre-1930 buildings in Thorndon, ~~and~~ Mt Victoria, Newtown, Berhampore, and Mt Cook. In those places significant concentrations of older buildings create particularly distinctive streetscape character.

The benefits of protecting the special character of these areas, which contribute much to the qualities of the city, outweigh the costs of administering and complying with such rules.

The environmental result will be the ongoing development of identified areas in a manner that will maintain their character.

Amendments to Rule 5.1.4

- 5.1.4 The total or partial demolition or removal of buildings and structures are Permitted Activities except:**
- those listed in the District Plan as heritage items
 - all buildings constructed before 1930 in the Thorndon Character Area
 - any demolition of any building in Thorndon, ~~or~~ Mt Victoria, Newtown, Berhampore and Mt Cook that is restricted by rule 5.3.11.

For schedule of listed heritage items, refer to Chapter 21

See Thorndon Character Area Design Guide, Volume 2

5.3 Discretionary Activities (Restricted)

- 5.3.11 The demolition of any building in Thorndon, ~~or~~ Mt Victoria, Newtown, Berhampore or Mt Cook (shown in Appendix 9), excluding accessory buildings, constructed before 1930, or for which approval for construction was granted before 1930, is a Discretionary Activity (Restricted) in respect of:
- 5.3.11.1 the contribution of the building to the streetscape character of the neighbourhood.

Non-notification

Where an application contains details on the outcome of consultation with the local residents' association about the possible demolition of the building, and the Council is able to verify (in writing) that such consultation has occurred and the outcome of such consultation, then the approval of affected persons will not be necessary and applications need not be notified.

If no information on the outcome of the consultation is provided, or the Council is unable to verify that consultation has occurred and the outcome of that consultation, then this non-notification clause will not apply.

This non-notification statement does not apply in Newtown, Berhampore and Mt Cook.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 5.3.11.2 Whether the building is consistent in form and style with surrounding buildings and is consistent with a strong local pattern. In particular, whether the building is an integral part of a row of buildings that are consistent in form, scale and siting.
- 5.3.11.3 Whether the building is within a sub-area as identified in the Mt Victoria appendix to the Multi-unit Design Guide.
- 5.3.11.4 The extent to which the building retains its original design features relating to form, materials and detailing and the extent to which the form, style and important details have been modified to the extent that restoration is not reasonably practicable.
- 5.3.11.4.A In Newtown, Berhampore and Mt Cook, the extent to which any work will compromise or destroy any pre-1930 design features or materials on the primary elevation(s). Whether the **demolition and** work will detract from the architectural style and character of the existing building, and **have adverse effects on** the special character of the streetscape and neighbourhood as a whole.

5.3.11.4.B In Newtown, Berhampore and Mt Cook, in relation to rear sites, the level of visibility of the primary elevation from the street or other public space

5.3.11.4.C In Newtown, Berhampore and Mt Cook the extent to which the replacement building(s) are consistent with the content of the Southern Inner Residential Areas Design Guide for Multiunit Development.

5.3.11.5 The degree of the economic effects on the owner and occupier through the retention of the building.

5.3.11.6 The effectiveness of other statutory and non-statutory methods available to ensure retention of the streetscape character, including the extent to which the design of new building on the site will ensure that particular streetscape values of the neighbourhood will be maintained.

5.3.11.7 Whether the building is important to the context of a building listed in the Schedule of Listed Heritage Items.

5.3.11.8 Whether the building poses a risk to life in the event of an earthquake.

Mt Victoria, ~~and~~ Thorndon, Newtown, Berhampore and Mt Cook contain large numbers of older buildings which collectively are important to the identity of Wellington City as a whole. To help protect the value of these buildings to the streetscape the demolition or removal of pre 1930 buildings has been made a Discretionary (Restricted) Activity. The focus of this rule is the contribution of the buildings to the streetscape. This rule does not restrict the addition to or alteration of existing building.

The date of 1930 has been chosen as buildings older than that date tend to match the characteristic building types of the area. The Council holds information on the ages of buildings which is available on request. It is recognised that different parts of the same building might be different ages. The age of the primary form of the building will be taken as the relevant date. Primary form means the simple form that is central to and the basis of the dwelling. It is typically the largest identifiable form or combination of relatively equal sized geometrically simple and box-like forms.

There are many variations of primary form. However, the primary form of the Victorian and Edwardian villa is typically square or rectangular in plan, one or two stories in height with a hip roof. The primary form of the cottage is typically single storey, rectangular in plan, with a gable roof.

In Newtown, Berhampore and Mt Cook consideration will be given to the impact on streetscape and neighbourhood character of the removal or demolition of architectural features and elements from a building's primary elevation(s). The special character of these neighbourhoods is perceived, by the public at large, from the street. What can be seen from the street is collectively referred to as streetscape. In most instances the 'primary elevation(s)' will be the elevation of the building that faces the street. However on some properties the building's main elevation fronts to a view or outlook as a result of the topography of the area. This generally occurs on sites where the ground level slopes steeply away from the street frontage. However there are three areas where the main elevation of the buildings have been oriented away from the street, towards a view or outlook. In this situation the main elevation is often still visible from surrounding streets and public spaces (albeit from an increased distance) and contributes to the overall character of the neighbourhood. The three areas front on to Kenwyn Terrace, Tasman Street and Wright Street respectively and are identified in Appendix 9.

Depending on the nature of the work, additions and alterations may constitute the removal or demolition of architectural features from the primary elevation.

Because the design quality of the replacement building(s) is an important factor in considering an application to demolish a pre-1930 building, any consent granted will be conditioned to ensure that the replacement structure is built strictly in accordance with the plans submitted with the resource consent.

Council archives and the building consent database contain records as to the date of many of the buildings in Mount Victoria, ~~and~~ Thorndon, Newtown, Berhampore and Mt Cook. These should be used in the first instance to establish the date of construction or approval for construction. Where Council records are inadequate to determine the date of construction, or approval for construction, a report from a suitably qualified conservation architect may be required. It is also a requirement that information be provided as part of any application for resource consent on the outcome of discussions with the local residents' association about the possible demolition of the building. (See Section 3.2 – Information Requirements). The requirement to consult with the local residents association does not apply to applications for resource consent in Newtown, Berhampore and Mt Cook.

Individual buildings or groups of buildings with particular heritage significance have been identified in the Council's Schedule of Listed Heritage Items and are subject to the provisions of Chapters 20 and 21.