

Appendix 3

Section 32 Report

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**

SECTION 32 REPORT - PROPOSED PLAN CHANGE 38

RESIDENTIAL CHARACTER – CONTROL OF DEMOLITION OF PRE-1930 HOUSES IN NEWTOWN, BERHAMPORE AND MT COOK

1. Introduction

Section 32 of the Resource Management Act (RMA) stipulates a requirement to consider alternatives and assess the benefits and costs of adopting any objective, policy, rule, or method in the District Plan. Proposed Plan Change 38 seeks to maintain and enhance the residential character of Newtown, Mt Cook and Berhampore. The plan change extends the pre-1930's demolition rule (Rule 5.3.11) that currently applies in parts of Thorndon and Mt Victoria, to Newtown, Mt Cook and Berhampore.

A number of mechanisms are required to protect the character of Newtown, Mt Cook and Berhampore. The application of the 1930's demolition rule, will operate in conjunction with the provisions contained within proposed District Plan Change 39 to maintain and enhance the existing character of the three suburbs. Proposed Plan Change 38 deals with the issue of demolition of existing character buildings, while Proposed Plan Change 39 contains various provisions to help ensure that new residential developments are more in keeping with the existing character of the surrounding neighbourhood

A range of options were canvassed in the preparation of this Proposed Plan Change and this report has been prepared to address the requirements set out in section 32 of the RMA.

2. Context

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use and development of natural and physical resources to enable people to provide for their health and safety. The Act also contains an explicit function for Territorial Authorities to *maintain and enhance amenity values* and the *quality of the environment*. Local authorities are also required to protect historic heritage from inappropriate subdivision, use and development. While this plan change seeks to protect the character of some inner city residential suburbs, it is acknowledged that this character largely derives from the fact that these are some of Wellington's oldest suburbs, hence they also have heritage value.

As noted in the introduction, this plan change aims to extend the area to which the 1930's demolition rule applies, to cover the Inner Residential Areas in Newtown, Mt Cook and Berhampore. This means that any proposed demolition of a pre-1930's building would require a resource consent as a Restricted Discretionary Activity. These three suburbs are the last of Wellington's inner residential suburbs to be considered for a plan change to protect their special characteristics. Application of the 1930's rule is just one aspect of a later plan change, but it is necessary to introduce this provision now due to the on-going pressure for demolition in these suburbs.

3. Policy Analysis & Consultation

The process which led to the development of this Plan Change has been lengthy, beginning in 1999 when an urban design evaluation of these areas was completed. More recently, the Council carried out a consultation process with the communities involved. The Council has recently prepared a Sense of Place Strategy and adopted the Built Heritage Policy (2005) for Wellington city both of which make reference to protection of the character of inner city suburban areas. Lastly, the Council has been involved in monitoring the level of development activity occurring in these suburbs. These pieces of work are summarised below to provide the reasoning for proposing this plan change. Details of other reports and meetings conducted are also listed for the record.

Urban Design Evaluation - Mount Cook, Newtown, Berhampore

In 1998, Graeme McIndoe (Architect and Urban Designer) and Deyana Popova (Urban Perspectives Ltd) were commissioned by Wellington City Council to undertake an urban design evaluation of the residential character of Newtown, Berhampore and Mt Cook. Their report was finalised in March 1999. Their key findings included:

- The southern inner residential area of Mt Cook, Newtown & Berhampore has a distinctive local character derived from the retention of a high proportion of inner city residential housing dating from the first decade of the 20th century.
- The age profile of the southern inner residential area (Mt Cook, Newtown & Berhampore) has strong similarities with Thorndon and Mt Victoria in that the majority of buildings were erected prior to 1920.

Proportion of residential buildings built before 1919

	Mt Cook	Newtown	Berhampore
Up to 1919	85%	82%	83%

- The character and type of residential buildings in the southern inner residential area is not particularly rare, but what remains is irreplaceable and important in defining the character of Wellington City as a whole.
- Multi-unit development is identified as the most important type of development in the study area as it has the greatest potential to alter the single unit character of the area. The study noted that while one house per site was the predominant trend in each suburb, the principle of in-fill housing and multi-unit development was consistent with the Council’s policies on urban sustainability.
- Additions and alterations to existing buildings are the least important type of change. The area has absorbed this type of change over the past 90 years without significant loss of collective character.

The report concluded that while the southern inner residential area is not highly visible from the central city and does not have the iconic visual status of northern Mt Victoria, but the concentration of original buildings and consistency of style is still significant. The study suggested implementing character based rules over the entire southern inner residential area, specifically implementing a rule to control demolition of pre-1920s buildings.

The report is available from officers if this is required.

Wellington City Council Sense of Place Strategy

Recognising and acknowledging the importance of the past also contributes to the community's understanding and awareness of a sense of place. This has been acknowledged in the *Wellington City Council Sense of Place Strategy*. In this strategy, the Council's goal for Wellington is quality of life, growth and prosperity. In striving for this goal, the Council wants to ensure that what makes Wellington special is preserved.

In preparing the *Sense of Place Strategy*, research was undertaken to determine what Wellingtonian's treasure about their city, and what gives the city its unique character or essence. From the range of factors identified, the following are relevant to proposed District Plan Change 38:

- the compact and integrated urban layout
- the distinct character of communities, neighbourhoods, urban quarters and suburban centres – people and buildings – and the city's confident, unpretentious personality, and
- the symbols, images, places and buildings that identify the people of Te Whanganui-a-Tara and Wellington city, and tell their history.

The Council will work to ensure that all new growth respects these values and, if possible, enhances them.

Built Heritage Policy – Adopted by Council 28 June 2005

The Council's built heritage policy includes a number of objectives that, together, aim to achieve the vision that *“Wellington is a creative and memorable city that celebrates its past through the recognition, protection, conservation and use of its built heritage for the benefit of the community and visitors, now and for future generations.”*

One objective of the Policy is to protect the city's built heritage from adverse effects that may compromise the heritage values of a place, including physical deterioration and inappropriate subdivision, development and use. This is relevant to this plan change because one action identified in the Policy is to *“extend the protection of heritage values to suburban areas through identifying more heritage areas and other mechanisms”*.

It is considered that some options presented in this report, while principally designed to protect 'streetscape character' do have the added benefit of preserving heritage values associated with the city's oldest inner city suburbs.

Consultation process – late 2004

The Council initiated a consultation process with residents and other local groups to understand what the local community valued about the residential character of their suburbs and whether that character warranted additional protection. A survey was mailed to all ratepayers in October 2004 to gauge their views. In total, over 260 responses were received. This was followed by a series of workshops held with Newtown RA, Mt Cook residents and design professionals.

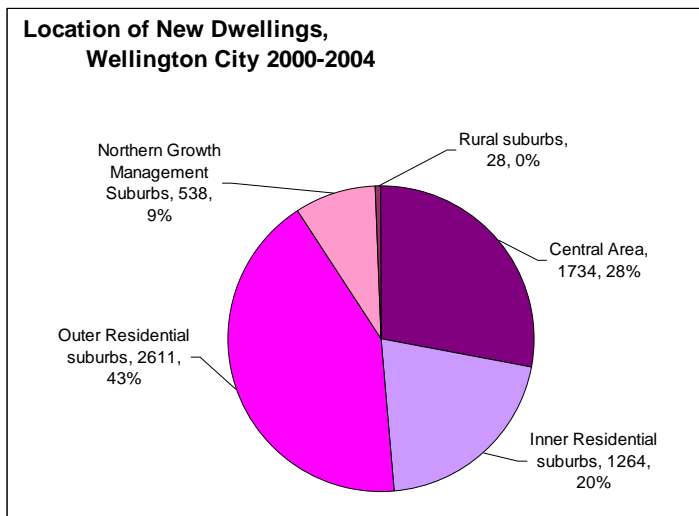
The strong message delivered by the consultation was a desire for greater recognition and protection for the residential character of Newtown, Berhampore and Mt Cook, including the provision of the demolition rule along the lines of the rule that exists for Thorndon and Mt Victoria.

The summary of the survey results and workshop comments are available separately if required.

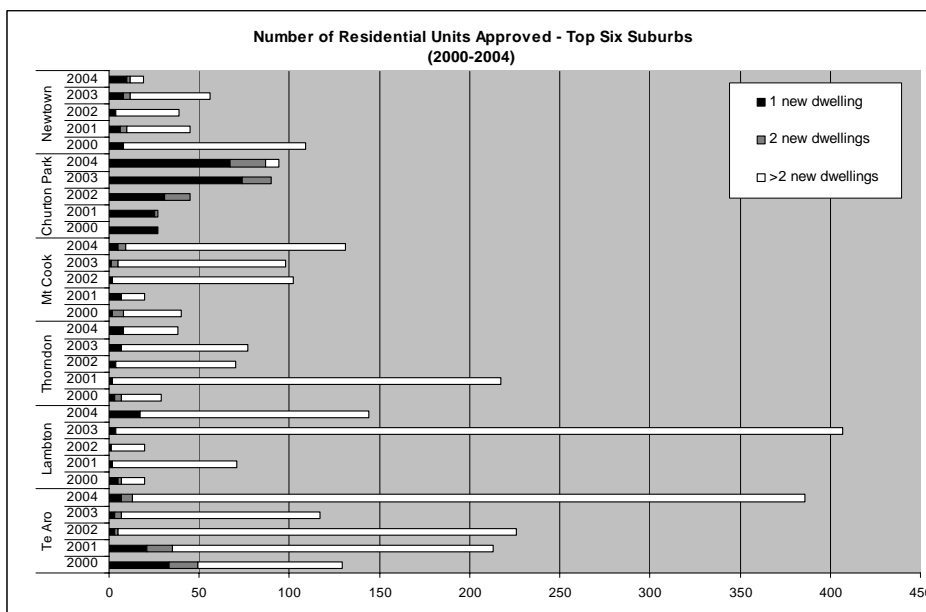
Development Activity in Newtown, Berhampore and Mt Cook

The Council's District Plan Monitoring Programme includes a number of indicators relating to urban form and growth and related residential activities. These indicators (summarised below) collectively show that there is considerable residential growth occurring in these three suburbs.

The first graph (to the right) shows that new dwellings are being built throughout the city. However it is notable that almost half of that growth is occurring in the central city or inner residential areas; a land mass half the size of the outer residential area (ie. there is 551 hectares of Central Area and Inner Residential Area zoned land, compared to 102 hectares of Outer Residential Area). Specifically, 20% of new dwellings were located in the Inner Residential Areas.



The second graph shows that the most growth occurring is in the City's Central Area, however that growth is a particular housing form (ie. apartments). Whilst the suburbs of Mt Cook and Newtown are 4th and 6th respectively on the graph (in terms of how many dwellings have been constructed in those areas), they are the two main suburbs where medium density



multi-unit developments are being built (eg. 2-3 storey townhouses). As a result, multi-unit developments have introduced a significantly different style of housing into suburbs that traditionally feature one or two storey wooden villas or cottages, and one house per site.

To compliment these findings, an analysis of the Council's demolition building consents was carried out to see if any trends emerged relating to the rate of demolition in the Inner Residential Areas. Of particular interest was the rate of demolition in Mt Victoria and Thorndon, before and after the 1930s demolition rule was introduced in 1998. Consents for demolition in Newtown, Berhampore and Mt Cook during the same period were also examined for comparison.

A ten year study period was chosen (1995-2005) whereby all demolition consents for the city were selected. A total of 666 demolition consents were in the sample size. After removing all

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consents not within the study areas and any consents for demolition of accessory buildings (which are not subject to the 1930s rule), the following results occurred:

- 21 demolition consents were approved in the Mt Victoria and Thorndon areas in the study period (eg. Chapter 5, Appendix 9 of the District Plan). This equates to 3.1% of all demolition consents from the sample.
- Knowing the years that these consents were approved is crucial to having an understanding about whether or not the 1930s rule (introduced by Variation 14) has had any effect on the rate of demolition. Nine of the 21 consents were approved prior to the 1930s demolition rule coming into force in October 1998 (1995-October 1998). Six consents were approved, while that rule was still going through the council plan variation process (meaning that planners still had to give weight to the Transitional Plan - Oct 1998-July 2000). Six consents were approved in the five years since the variation was made operative.
- 45 demolition consents were approved for Newtown, Berhampore and Mt Cook within the study period. This equates to 6.7% of all demolition consents in the study period.
- Of those 45 consents, 13 were granted prior to October 1998. The remainder 32 have been approved in the time since then.

The results for Mt Victoria and Thorndon show that the rate of demolition in these suburbs has declined significantly since 1998 and that it is almost certain that this is a direct result of the 1930s demolition rule being introduced.

Demolition in Newtown, Berhampore and Mt Cook has continued at a high rate. It is possible that when the demolition rules were applied in Mt Victoria and Thorndon, that some of the pressure for redevelopment shifted to Newtown, Berhampore and particularly Mt Cook (given the high rate of multi-unit dwellings approvals in that area).

A study of resource consents approved for demolition in Mt Victoria and Thorndon shows that between July 2000 and December 2004, Council processed 10 resource consent applications¹ for a partial or total demolition of a pre-1930 building. All applications for demolition under this rule were assessed by the Council's urban designer or heritage advisor. While most of the applications were granted (one was declined), in all cases a number of design related conditions were imposed to mitigate adverse effects on the character of the area resulting from the demolition.

Another indicator of the development activity in these areas relates to public complaints. The Council often receives complaints about developments occurring in the community and is asked to respond as to whether such developments are permitted by the District Plan, or if the activity was approved by a resource consent, are the consent conditions being adhered to? There have been a number of multi-unit developments in Newtown, Berhampore and Mt Cook within the past year alone that have caused considerable concern for the community. Two consents in particular involved the demolition of a 'character' home to make way for medium density housing (Papawai Terrace and Finlay Terrace).

To summarise, the suburbs of Newtown, Berhampore and Mt Cook are undergoing significant change, due to a large increase of dwelling units being built in the areas. Demolition of existing homes has occurred in a number of situations to make room for these multi-unit developments.

¹ *Disclaimer: The resource consent data and building consent data for demolition approvals do not match due to different study periods. Also, as there is little quality control over data entry, the resource consent and building consent data should only be seen as a guide to development activity.*

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The data supports local anecdotal concerns that the suburbs are undergoing significant change and that this change (because Council is currently limited in what it can assess) is threatening the residential character of these areas.

There are high levels of public concern regarding changing character, but particularly regarding the loss of original character houses.

At present there is no ability to limit or control demolition other than for houses that are individually listed as heritage buildings. Given community concern raised by recent demolition and multi-unit developments, it is considered that this issue should be addressed as soon as practicable.

Key documents

- McIndoe, G and Popova, D (1999) Wellington Inner City residential Areas Urban Design Evaluation, Mount Cook, Newtown, Berhampore
- Original survey response sheets and excel spreadsheet with summary of survey responses – November 2004
- Notes from workshops held in February 2005.
- Council Report to Strategy and Policy Committee (June 2005) Monitoring the Efficiency and effectiveness of the District Plan.

Key discussions/briefings

- Workshop for Architects, Conservation Architects and Historic Places Trust (8 March 2005)
- Workshop for Newtown Residents Association (21 March 2005)
- Workshop for Mt Cook Residents (23 March 2005)

Consultation, in accordance with the First Schedule of the RMA 1991

- Ministry for the Environment
- Greater Wellington Regional Council
- Wellington Tenth Trust
- Te Runanga O Toa Rangatira Inc

4. Options

Option	Advantages	Costs and Risks
<p>Option 1 – Non-Regulatory Methods</p> <p><i>Eg. advocacy to property owners on importance of streetscape etc.</i></p> <p>This option is not recommended.</p>	<p>Will raise general awareness of what the 'residential character' is in these suburbs.</p> <p>With this knowledge, some landowners may be more sympathetic to streetscape character when redeveloping a property or doing additions and alterations.</p>	<p>No evidence that advocacy methods will be effective by themselves. It relies on the amenability and ability of property owners to compromise their development rights to protect what is valued by the wider community.</p> <p>The majority of property owners are unlikely to demolish their dwelling, but where this is</p>

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	<p>It is likely that by identifying that certain suburbs have a special character, the resident's themselves will take a more active interest in developments occurring in the area.</p>	<p>perceived as the 'only option' for landowners seeking to maximise development opportunities on their site then advocacy methods alone are unlikely to protect the building.</p> <p>A targeted campaign on this issue could cost over \$40000 in one year. Eg. citywide mailout to ratepayers can cost between \$20,000- \$30,000 depending on mail delivery service used.</p> <p>The cost of developing the material and perhaps obtaining a media profile on the issue will be additional.</p>
<p>Option 2 - Regulation</p> <p><i>Maintain existing levels of regulation (i.e. bulk and location) and do nothing now to respond to the continuing pressure for redevelopment of these suburbs.</i></p> <p><i>Wait until a comprehensive plan change is put forward for notification in late 2005.</i></p> <p>This option is not recommended.</p>	<p>Avoids the need for multiple plans changes to address the issue of protecting residential character in these suburbs . This in turn is likely to avoid confusion about the approach being taken by Council.</p> <p>Waiting to consider all protective mechanisms together in one plan change will allow all issues associated with character and heritage to be considered holistically.</p> <p>Public is more fully informed about the contents of the proposed plan change, which may lead to a 'smoother' submissions and plan hearing process.</p>	<p>Maintains existing level of regulation in these suburbs, which protects residential amenity but does not protect residential character.</p> <p>The main disadvantage to this approach is that landowners, knowing that a plan change is imminent, can apply to Council for a Certificate of Compliance (CoC) to demolish character homes. The right to demolish (under the CoC) would be protected for up to 5 years regardless of any subsequent plan changes that are notified.</p> <p>The demolition of further character homes in these suburbs, and the subsequent construction of multi-unit developments on the street frontage could compromise the character of these suburbs.</p> <p>Monitoring information has shown that the rate of demolition in these suburbs continues unabated compared with suburbs where the 1930's rule has been applied.</p> <p>Given the recent loss of other character homes in these suburbs, public confidence in the planning process will be significantly undermined, particularly if further losses are allowed to occur before the comprehensive plan change is notified.</p>
<p>Option 3 - Regulation</p> <p><i>Undertake a plan change that allows a revised '1930s' rule (rule 5.3.11) to apply in Newtown, Berhampore and Mt Cook.</i></p> <p><i>A 1930s demolition rule currently applies to Mt Victoria and Thorndon. The rule requires a resource</i></p>	<p>Proposal is consistent with what is proposed for the comprehensive plan change (in November 2005). Also, the option of a '1930's rule' was discussed and endorsed at the workshops, so it is expected to be received positively by the local community.</p> <p>If a plan change is notified without further landowner consultation, then it is likely that any buildings under threat of re-development will be 'saved' from removal or demolition. Instead, a</p>	<p>Landowners intending to redevelop their site (by demolishing a pre-1930s dwelling) will lose that right as a permitted activity.</p> <p>Uncertainty will increase as well as the cost of redevelopment due to the requirement to obtain a resource consent. A non-notified multi-unit consent fee begins at \$720, but could rise to \$2,700 for a limited notified consent. Uncertainty and delays associated with the processing of the application is expected to generate the biggest concerns i.e. whether the consent will be publicly notified</p>

<p><i>consent to demolish any building constructed before 1930.</i></p> <p><i>The revised rule would require consent to demolish the 'primary elevation' as well as the 'primary form' of a pre-1930s building.</i></p> <p><i>A map depicting the area that the rule relates to will be included in the Plan Change.</i></p> <p>This option is recommended.</p>	<p>developer will need a resource consent to do any significant works to the building.</p> <p>Process of obtaining resource consent requires developer to consider alternatives and this may identify other acceptable solutions instead of the removal or demolition of the building (i.e. house moved further forward on site, and townhouses built behind it).</p> <p>Monitoring of the 1930's rule in Mt Victoria and Thorndon has shown it to be reasonably successful in slowing total demolition of buildings in those areas.</p>	<p>and approved.</p> <p>Council resources will be diverted from preparing the more comprehensive plan change for these areas.</p> <p>Amending the primary elevation in any way above and beyond repair and maintenance will require a resource consent. Although this is the first time such a provision has been applied to protect streetscape character, it is consistent with how the Plan protects Heritage Areas (ie. repair and maintenance is a permitted activity, but other activities will require a resource consent).</p> <p>The provision is likely to trigger a number of consent applications, though exactly how many is difficult to quantify. As a result there will be a financial effect on property owners seeking to redevelop their dwellings.</p>
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5.0 Recommended Proposed Plan Change

Option 3 is the recommended option for the following reasons.

Option 1 does have some value in raising awareness of streetscape values, however, if done at all, it should be carried out in combination with a regulatory regime. This is because Council cannot be sure that the advocacy approach will be effective for all landowners. A regulatory regime is required as well to ensure that Council has some level of control over activities that are deemed to affect the streetscape character of the suburbs. *Accordingly, while option 1 is desirable, it is not favoured in lieu of a regulatory approach.*

Option 2 represents a significant risk in that a number of buildings could be 'lost' from the existing streetscape of these three suburbs prior to notification of a comprehensive plan change at a later date. This, combined with local concerns at recent demolitions suggests that the option is not the most appropriate. Also, it is likely that as further consultation is carried out as part of the comprehensive plan change and the proposed mechanisms become more widely known, property owners may use that time to lodge Certificates of Compliance to preserve their right to demolish a dwelling. This type of action could significantly undermine the proposed plan changes and hence it is considered necessary to adopt an interim plan change that provides some protection over the suburbs as Council continues to prepare the comprehensive plan change. *Accordingly, Option 2 is not recommended.*

Option 3 imposes new restrictions on the demolition of pre-1930s houses, including the demolition of the primary elevation(s). In imposing more regulation for these suburbs, Option 3 is the strongest option outlined. It is also the recommended option.

Option 3 is recommended because the evidence to date regarding pressure for development in these suburbs (including the current rate of demolition) suggests that some additional regulation is required to protect the streetscape of these suburbs. The Urban Design Assessment has concluded that these suburbs have an important character worthy of protection. Further, the residents of these suburbs have called upon the Council to take action to protect their residential

character after seeing a number of character homes being demolished to make way for multi-unit developments.

A 1920s or 1930s rule

It is acknowledged here that the Urban Design Assessment for Newtown, Berhampore and Mt Cook recommended that a pre-1920's rule be adopted for these suburbs as the majority of the suburbs buildings were built prior to 1920. However, Council's recommended option is to adopt a '1930s rule'. This is for two main reasons.

Firstly, it is clear from the building age profiles that while the majority of buildings constructed in these suburbs were built prior to 1920, there are a large number of buildings constructed in the 10 year period between 1920 and 1930. After 1930, the age profiles show that there was very little development in these suburbs at all.

Also, Council's heritage advisor has noted that the buildings built in that ten year period between 1920 and 1930 are regarded as "transitional villas". That is, their building form, bulk and location and materials used are generally all consistent with the residential character established by the previous Edwardian and Victorian cottages and villas constructed prior to 1920. While not sharing all of the features of the Edwardian and Victorian houses, these 'transitional villas' sit easily with the earlier buildings and make an important contribution to the character of the suburbs.

On this basis, and to ensure there is some consistency in the Plan, it is considered appropriate to depart from the recommendation in the Urban Design Assessment that a rule be adopted to protect pre-1920s buildings from demolition.

6.0 Conclusion

The suburbs of Newtown, Berhampore and Mt Cook have a distinctive local character derived from the retention of a high proportion of inner city residential housing dating from the early decades of the 20th century. The age profile of the southern inner residential area (Mt Cook, Newtown & Berhampore) has strong similarities with Thorndon and Mt Victoria in that the majority of buildings were erected prior to 1920. While the character and type of residential buildings in the southern inner residential area is not particularly rare, what remains is irreplaceable and important in defining the character of Wellington City as a whole.

This report has considered a number of options to respond to this resource management issue, ranging from an advocacy only approach, retaining the status quo through to adopting a revised 1930's rule to cover residential dwellings in Newtown, Berhampore and Mt Cook. This recognises the important contribution made by these character houses to the suburb's streetscape and character. This report recommends that Option 3 be adopted because it will address community and the Council's concerns regarding the loss of character dwellings and the subsequent effect that has on character and streetscape values.

It is considered that the proposed plan change is consistent with Part II of the Resource Management Act and the existing objectives and policies of the District Plan.