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**REPORT 1**  
*(1215/11/IM)*

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**DECISION ON DISTRICT PLAN CHANGE 38:  
RESIDENTIAL CHARACTER – DEMOLITION OF PRE-1930  
BUILDINGS IN NEWTOWN, BERHAMPORE AND MT COOK**

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**1. Purpose of Report**

To report to Council the recommendations of the District Plan Hearing Committee concerning District Plan Change 38 – Residential Character, Demolition of Pre-1930 Buildings in Newtown, Berhampore and Mt Cook.

**2. Recommendation**

It is recommended that Council:

- 1. Receive the information.*
- 2. Approve the recommendations of the District Plan Hearing Committee in respect of District Plan Change 38 – Residential Character, Demolition of Pre-1930 Buildings in Newtown, Berhampore and Mt Cook as set out in Appendices One, Two, & Three of this report.*

**3. Background**

Proposed District Plan Change 38 was publicly notified on 9 July 2005.

Proposed District Plan Change 38 is a Council initiated plan change and addresses issues of residential character in the suburbs of Newtown, Berhampore and Mt Cook. Specifically, it deals with the removal or demolition of pre-1930 buildings in the Residential Areas in each of the three suburbs.

The plan change applies existing rule 5.3.11 to Newtown, Berhampore and Mt Cook, making the demolition of pre-1930 buildings a Discretionary Activity (Restricted) requiring a resource consent. This rule already applies in Thorndon and Mt Victoria. The proposed plan change introduced a new clause to rule 5.3.11 to cover the removal or destruction of architectural features and detailing on the 'primary elevation' of pre-1930 buildings.

All owners and occupiers of properties in Newtown, Berhampore and Mt Cook were notified of the proposed plan change. The Officer's Report on the plan change was distributed to submitters and further submitters prior to the hearing.

The Hearing for District Plan Change 38 was held at the Council offices over two days on 29 & 30 November 2006, in conjunction with the hearing of District Plan Changes 39 and 40.

#### **4. Discussion**

Thirty eight main submissions and one further submission were received on Proposed District Plan Change 38. The submissions covered a range of issues raised by the plan change.

Two submitters (Newtown Residents Association and Dave Gibson) attended the hearing and spoke to their submissions.

The Committee gave careful consideration to all the issues raised by the submitters, including those issues elaborated on in presentations by the individuals who appeared before the Committee.

The majority of submissions supported the proposed plan change – submissions ran approximately 2:1 in favour. Five submissions opposed the plan change in its entirety, on the grounds that the blanket application of the demolition rule across three suburbs was unjustified and would make it difficult to undertake development within the area.

Twenty three submissions supported the plan change. They considered that the plan change was a positive step in helping to protect the special character of the three suburbs.

The remaining submission requested that the proposed plan change be amended to improve the effectiveness of the proposed rules.

All of the above submissions are considered in detail in the Hearing Committee's report attached as Appendix 1.

Having considered the requirements of the RMA and the issues raised in submission, the Hearing Committee considered that the plan change was generally appropriate and would allow the Council to better manage the residential character of the three suburbs. The Committee recommends a number of amendments to the provisions (as notified) to improve their clarity, application and effectiveness. These changes include:

- Remove the Wakefield Hospital site from the area subject to the demolition rule
- Amend assessment criteria to provide additional clarity as to the effects that are being managed by the demolition rule
- Clarification of the application of rule 5.3.11 to the 'primary elevation'
- Amendments to the definition of Primary Elevation to clarify the areas where the 'primary elevation' includes the rear elevation of the building
- Provide additional assessment criteria to recognise the link between building demolition and the quality of the proposed replacement building(s).

Overall the Hearing Committee recommends that Council endorse DPC 38, with the above amendments.

Once approved by Council the decision will be publicly notified and served on the submitters. Submitters then have the option of appealing the matter to the Environment Court within 30 working days. If no appeals are made the plan change will become operative.

***Report from: Andy Foster***

*Chair of the District Plan Hearings Committee*

*Plan Change 38 – Residential Character, Demolition of Pre-1930 Buildings in Newtown, Berhampore and Mt Cook*

## REPORT OF THE HEARING COMMITTEE

### WELLINGTON CITY COUNCIL REPORT OF THE HEARING COMMITTEE

#### SUBJECT:

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

#### COMMITTEE MEMBERS:

CRS FOSTER  
GOULDEN  
McKINNON

#### DATE OF HEARING:

29 & 30 NOVEMBER 2006

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### 1. RECOMMENDATIONS

- 1) *Approve District Plan Change 38 – Residential Character, Demolition of Pre-1930 Buildings in Newtown, Berhampore and Mt Cook as publicly notified, subject to the following changes:*
  - *Remove the Wakefield Hospital site from the area subject to rule 5.3.11*
  - *Amend assessment criteria 5.3.11.4.A to provide additional clarity as to the effects that are being managed under rule 5.3.11*
  - *Clarification of the application of rule 5.3.11 to the ‘primary elevation’*
  - *Amendments to the definition of Primary Elevation, the explanation to Rule 5.3.11, and the Appendix 9 maps to clarify the areas where the ‘primary elevation’ includes the rear elevation of the building*
  - *Provide additional assessment criteria 5.3.11.4.C to recognise the link between building demolition and the quality of the proposed replacement building(s).*

*A copy of the revised plan change is set out in Attachment One to this report.*
- 2) *Accept or reject all the submissions and further submissions to the extent that they accord with recommendation (1) above. See sections 3.1 - 3.10 below for further details.*
- 3) *Direct Council officers to develop appropriate conditions for inclusion in resource consent approvals to demolish pre-1930 buildings, to ensure that the replacement building(s) is built in accordance with the plans submitted with the consent application.*

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## 2. INTRODUCTION

This decision relates to Proposed District Plan Change 38 – Residential Character, Demolition of Pre-1930 Buildings in Newtown, Berhampore and Mt Cook.

Proposed District Plan Change 38 was publicly notified on 9 July 2005.

Proposed District Plan Change 40 is a Council initiated plan change and addresses issues of residential character in the suburbs of Newtown, Berhampore and Mt Cook. Specifically, it deals with the removal or demolition of pre-1930 buildings in the residentially zoned areas in each of the three suburbs.

The plan change applies existing rule 5.3.11 to Newtown, Berhampore and Mt Cook, making the demolition of pre-1930 buildings a Discretionary Activity (Restricted) requiring a resource consent. This rule already applies in Thorndon and Mt Victoria. The proposed plan change also introduces a new clause to rule 5.3.11 to cover the removal or destruction of architectural features and detailing on the ‘primary elevation’ of pre-1930 buildings.

All owners and occupiers of properties in Newtown, Berhampore and Mt Cook were notified of the proposed plan change. The Officer’s Report on the plan change was distributed to submitters and further submitters prior to the hearing.

The Hearing for District Plan Change 38 was held at Council Offices over two days on 29 & 30 November 2006.

Thirty eight main submissions and one further submission were received on Proposed District Plan Change 38.

At the hearing on the 29 & 30 November 2006, Jeremy Blake (Council’s planner) and Deyana Popova (Council’s urban design advisor) spoke to the officer’s report on the plan change. Two submitters appeared at the hearing and spoke to their submissions:

- Newtown Residents Association (represented by Martin Hanley) (submission 19)
- Dave Gibson (submission 36)

The Committee gave careful consideration to all the issues raised by the submitters, including those issues elaborated on in presentations by the submitters who appeared before the Committee.

The following discussion sets out the key issues and the Committee’s reasons for making its decision.

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## 3. SUBMISSIONS AND DISCUSSION

Submissions were received from:

Submitter No.	Submitter Name
1	Matthew Wright
2	Rodney Varga
3	Melanie Smith
4	Marguerite Hill
5	Peter Frater
6	Bruce Satherley
7	Adam Hills
8	Elsa Gannaway
9	Patrick O'Rourke & Shirley O'Rourke
10	Greg Nicholls
11	Mark Tanner
12	Wakefield Hospital
13	Telfer Young
14	Dale McTavish
15	Pamela Vakidis
16	Patrick Martin
17	Greg Salmon
18	Bryony Hales
19	Newtown Residents Association
20	Alan DeLima
21	The Salvation Army
22	CAS Residential Ltd
23	NZ Historic Places Trust
24	E Albuquerque
25	Catharine Underwood
26	Francie Pedersen
27	Vishnu Trust
28	Helen Mitchell and Tam Webster
29	Fraser Oliver
30	Francis Cook
31	Colin Taylor
32	Catherine Zwartz
33	Andrew Ross
34	Heartbeat Wellington
35	Wellington Civic Trust
36	David Gibson
37	Steve Dunn
38	Anna Woolhouse

One further submission was received from:

FS1	Dale Mary McTavish
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The key issues raised in submission, and the Hearing Committee's decisions on the submissions are addressed in sections 3.1-3.10 below

## **3.1. Oppose plan change and request that it be withdrawn**

Five submissions (numbers 1, 2, 17, 27 & 36) requested that plan change 38 be withdrawn in its entirety. They considered that the plan change would reduce property values, increase compliance costs, inhibit renovations of poor quality buildings, and place unnecessary development constraints on properties.

### ***Consideration:***

The Hearing Committee noted the concerns raised by these submitters.

The Hearing Committee accepted that the application of the proposed rule 5.3.11 to Newtown, Berhampore and Mt Cook would increase compliance costs for certain works. Under the plan change resource consent will be required for full building demolition and the removal of architectural features on a building's 'primary elevation', which were previously Permitted Activities. However the Committee noted that these costs must be weighed against the potential benefits of the plan change, which would be an improved ability to manage residential character and the quality of the streetscape in each of the three suburbs.

The Hearing Committee noted that the proposed rule does not prohibit demolition of pre-1930's buildings. If it can be demonstrated that the proposed replacement building would be as good or better than the original building in terms of its contribution to the streetscape, noting the nature of the existing streetscape in question, then consent would be likely to be granted. It is considered that undertaking this assessment before the existing building is removed or demolished is an important mechanism in ensuring that new development in these suburbs is of a suitably high standard. The Hearing Committee emphasised that the plan change was not about preserving the suburbs in their current state per se - rather it was about ensuring that new development and replacement buildings are of sufficient quality as to make a positive contribution to the wider character of the suburbs. It did however consider that the plan change may well reduce the rate of change by preventing of poor quality development and streetscape outcomes which in the absence of the plan change would have been permitted activities.

The Hearing Committee was not convinced by the argument that the proposed plan change would lead to a reduction in house values in Newtown, Berhampore and Mt Cook. They noted that most property owners buy property either to live in or to rent out (rather than as a development project), so their decision on whether to purchase a property and how much to pay are unlikely to alter as a result of the demolition rule. Experience in the suburbs of Mt Victoria and Thorndon indicates that the application of a demolition rule has not adversely impacted on property values. Recent valuation data indicates that property values in Newtown Berhampore and Mount Cook increased by 14.3% over the past year. The Hearing Committee noted that this was the second highest increase in the city (behind Mt Victoria which increased by 14.9%) and indicated that the installation of the demolition rule had not had an adverse impact on property values in the three suburbs. In fact the Committee noted that the retention of character in these suburbs may well increase the attractiveness of properties there and

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therefore raise prices. The Committee noted that the building stock is generally well maintained in these older character suburbs.

Furthermore in considering the question of compliance costs, experience indicates that where demolition is undertaken it is usually to make room for a new multi-unit development. The Hearing Committee noted that resource consent is already required for the majority of multi-unit developments. The Committee considered that in this scenario the cost of applying for resource consent to demolish and existing pre-1930 building would not significantly increase the overall development cost.

The Hearing Committee also noted that the plan change did not hinder building maintenance. Repair and maintenance of existing buildings remains a permitted activity, as do most renovations and additions (the impact of proposed rule 5.3.11 on renovations is discussed in more detail in section 3.6 below). The Hearing Committee noted that there is a cost associated in maintaining all property, and that the application of rule 5.3.11 would not significantly alter maintenance costs for property owners in Newtown, Berhampore and Mt Cook.

On balance, the Hearing Committee considered that Plan Change 38 should be retained. The original reasoning behind the plan change in terms of maintaining residential character was considered sound, and the plan change remained valid.

### **Decision:**

- **Reject** submissions 1, 2, 17, 27 that seek to have Plan Change 38 withdrawn in its entirety

### **3.2. Support plan change and request that it be approved**

Twenty three submissions and one further submission supported the plan change as notified and did not request changes.

### **Consideration:**

The Hearing Committee accepted the support of these submitters, but noted that some changes have been made to DPC 38 as a result of matters raised in submission (see sections 3.3-3.10 below). The Committee considered that these submissions which supported the plan change as notified should be accepted to the extent that they are consistent with the amendments that have been made to the plan change as part of the Hearing Committee's decision.

### **Decision:**

- **Accept** submissions 3, 4, 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 20, 25, 26, 29, 30, 31, 32, 33, 35, 38, and further submission FS1, insofar as they support plan change 38, subject to any amendments resulting from submissions.

### 3.3. Amend the extent of the areas subject to the demolition rule

Seven submitters requested changes to the extent of the area that is subject to the demolition rule 5.3.11. Specific issues raised in submissions include:

- blanket control of three suburbs is not justified and the rule should only be applied to specific areas with significant residential character (submitters 21 & 22)
- the areas affected by the plan change contain a variety of housing types, with varying degrees of architectural merit and heritage value. Not all buildings are worthy of the same level of demolition protection (submitter 27)
- blanket demolition rule should not be applied to Newtown and Berhampore (submitter 36)
- abandon the plan change and undertake a city-wide assessment of residential character (submitter 36)
- the section 32 report is superficial and flawed, and the plan change confuses character with heritage (submitter 36)
- exempt buildings that do not front the street from the demolition rule. This would include properties fronting Mudges Tce which is a private ROW (submission 27)
- exempt the Wakefield Hospital site from the demolition rule (submitter 12)
- demolition rule should also apply to commercial buildings in the Suburban Centre, specifically 11 and 13 Donald McLean Street (submitters 32 & 33)
- extend the demolition rule to cover Brooklyn (submitter 25)

#### *Consideration:*

In considering these submissions the Hearing Committee noted that a detailed audit of the residential building stock in Newtown, Berhampore and Mt Cook was undertaken in 1999. The results indicated that each of the suburbs retains a high proportion of original houses.

#### **Proportion of residential buildings built before 1919**

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

These figures were equivalent to the inner city suburbs of Mt Victoria and Thorndon which already have a demolition rule in place.

The Hearing Committee gave thought to the idea of only applying the demolition rule to certain portions of the three suburbs. However, in this regard the Committee were guided by Council's urban design advisor, Deyana Popova, who was part of the team that had undertaken the audit in 1999. When speaking to the hearing Ms Popova noted that in her opinion there were no streets in Newtown, Berhampore and Mt Cook that could be considered to be devoid of residential character generated by the presence of a significant proportion of pre-1930's houses. The Hearing Committee did note that some streets within each of the three suburbs had less pronounced character due to a mixture of building types or because of previous insensitive development, but that these are in the minority.

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The Hearing Committee noted that removing the demolition rule from areas identified as having ‘lesser character’ could result in development being channelled into these areas, possibly to the detriment of local amenity and character.

On balance the Hearings Committee preferred a ‘level playing field’ approach across the three suburbs rather than a ‘piece-meal’ approach that focused on a few identified character areas. The ‘level playing field’ approach was considered to be more equitable, avoiding the risk of picking winners and loser within each of the three suburbs based on the presence (or otherwise) of a demolition rule. The Committee noted that some additional work has been undertaken regarding the possible identification of ‘heritage areas’ in each of the three suburbs. This is discussed further in section 3.4 below.

The Hearing Committee considered at length the matters raised in submission 36 (Dave Gibson). The submitter considered that blanket application of a demolition rule across the three suburbs was not justified. The submitter did not oppose applying the rule to Mt Cook as that suburb was immediately adjacent to the central city and therefore similar in character to Mt Victoria, Thorndon and Aro Valley which are also subject to the rule. However the submitter requested that the demolition rule be withdrawn from Newtown and Berhampore, in lieu of the Council undertaking a comprehensive review of residential character across the whole city. The submitter was concerned that applying a demolition rule to Newtown and Berhampore would simply result in demolition pressure being directed towards adjacent suburbs, such as Brooklyn, Hataitai and Kilbirnie, that were not subject to the rule,. The submitter considered that undertaking a city-wide assessment of residential character would be more appropriate, as it would allow Council to compare the residential character of Newtown and Berhampore against other areas of the city that also have consistent streetscape character. He considered that a city-wide assessment would allow the Council to consider the wider implications of applying a demolition rule, particularly in terms of shifting demolition pressure to new locations. The submitter noted that there were a number of suburbs around the city (including his home suburb of Kilbirnie/Lyall Bay) that had an age profile and built character as consistent as that found in Newtown and Berhampore.

The Hearing Committee agreed with the submitter that there were other suburbs within Wellington City that maintain a strong and consistent character (resulting, at least in part, from the consistent age and style of houses within the suburb). However the Hearing Committee did not consider that this was justification to delay addressing the issue of residential character in Newtown and Berhampore. The Committee was satisfied, based on the findings of the 1999 audit, that the residential character of Newtown and Berhampore was significant (both locally and in comparison with the city as a whole) and that there was merit in dealing with the issue of residential character in those suburbs as part of the current plan change process.

The Hearing Committee acknowledged that pressure to demolish appeared to have increased in Mt Cook, Newtown and Berhampore following the application of rule 5.3.11 to Mt Victoria and Thorndon. However the Committee did not consider that applying the demolition rule to Newtown and Berhampore would automatically lead to an increase in pressure to demolish in adjacent Outer Residential suburbs of Brooklyn, Hataitai and Kilbirnie. Rather than forcing new infill development into the Outer

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Residential zone, the Committee considered that DPC 38 would create a more level playing field within the Inner Residential zone. While there are some small pockets of land in the Inner Residential zone not subject to rule 5.3.11, the majority of the zone now has demolition controls following notification of DPC 38 and DPC 50 (Aro Valley). The Committee considered that the suburbs zoned Inner Residential were likely to remain a preferred location for new residential development (including demolition) because of their proximity to the city centre (and major institutions such as Victoria and Massey Universities, and Wellington Hospital), and because the zone rules provide for a greater intensity of development compared to the Outer Residential zone.

Submission 36 also raised concerns that DPC 38 confused character protection with heritage protection. This matter is considered in more detail in section 3.7 below, but the Hearing Committee emphasised that DPC 38 was not a mechanism for heritage protection. The plan change is intended to help maintain streetscape character. In Newtown, Berhampore and Mt Cook the retention of a large number of original character houses, built prior to 1930, is a defining feature of the streetscape character. As a result Rule 5.3.11 is triggered by a building age threshold, but the assessment that is undertaken as part of the consent process is focused on the contribution of the building to the streetscape, not any inherent heritage value that the building may have. On this basis the Hearing Committee rejected the claim that DPC 38 confused the issues of character and heritage protection.

The Hearing Committee also noted that DPC 38 and rule 5.3.11 do not prohibit demolition of pre-1930's buildings. If it can be demonstrated that the proposed replacement building will be as good or better than the original building in terms of its contribution to streetscape character, noting the nature of the existing streetscape in question, then consent would be likely to be granted. The Committee considered that this assessment should be undertaken before the existing building is removed or demolished, in order to ensure that new development in Newtown, Berhampore and Mt Cook is of a high standard and contributes positively to the overall streetscape character. The Hearing Committee noted that while the proposed assessment process would allow Council to consider the streetscape merit of existing and proposed new buildings, ongoing monitoring and enforcement would be needed to ensure quality streetscape outcomes are achieved. Given that the demolition consent was fundamentally tied to the quality of the proposed replacement building(s), it was important that the replacement building(s) are constructed as per the approved plans. In particular the Committee noted instances in the past where new buildings that were of suitably high quality when plans were submitted to Council for consent, had their design quality eroded through incremental changes to design and materials during construction. Accordingly the Committee considered that the following note should be added to the explanation to rule 5.3.11 to reinforce that replacement buildings must be built as per the plans submitted with the resource consent proposal.

*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.*

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Submission 27 considered that DPC 38 should not apply to properties that do not front the street. The submitter points to the example of Mudges Tce, which is a shared private way, set back from the public street. The submitter noted that the streetscape effects of development of this site would, in part, be mitigated by the screening effect of the existing houses fronting Adelaide Road. The Hearing Committee agreed with the submitter that the visibility of a building (from the street or other public space) was a relevant consideration when assessing applications to demolish. The contribution made by a building to local streetscape character is likely to be minor if the building is not visible from the street or largely obscured by other buildings. However the Hearing Committee noted that the varied topography of Newtown, Berhampore and Mt Cook meant that buildings were often visible from a number of viewpoints. Some properties that are not clearly visible from the adjacent street may be prominent in medium to long range views. Additionally, building visibility may change over time as a result of development on adjacent sites. As a result the Hearing Committee considered that building visibility was best assessed at the time a building was being considered for demolition, rather than by exempting properties that are set back from the street, from the demolition rule.

Submission 12 requests that rule 5.3.11 not be applied to the Wakefield Hospital site (located between Rintoul Street and Russell Terrace, see adjacent photo) on the basis that the hospital is not residential in character. The site contains a number of large hospital buildings located together towards the centre of the site. The site's main frontage is on to Rintoul Street. This frontage is dominated by a brick wall and a row of trees with the nearest buildings being set back approximately 20 metres from the street. The Hearing Committee considered that applying the demolition rule to the Wakefield Hospital site would be of little benefit given that the rule is intended to help Council to manage the retention of a particular historic residential character. On this basis the Committee agreed that the Wakefield Hospital site should be exempt from rule 5.3.11. However the Committee considered that the site should be retained in the Appendix 9 area so that the provisions of Proposed District Plan Change 39 (DPC 39) would apply if residential development occurs on the site at a future date.



*Wakefield Hospital – Rintoul Street frontage*

Submissions 32 and 33 supported the demolition rule and requested that it also be applied to pre-1930 commercial buildings within the Suburban Centre zone. The submitters specifically referred to two properties at 11 and 13 Donald McLean Street in Newtown. The Hearing Committee noted rule 5.3.11 is an existing rule that applies only to properties within the Inner Residential zone. While the rule would cover pre-1930 commercial buildings located within the residential zone, most commercial properties in the three suburbs are located in the Suburban Centre zone. The Committee considered that DPC 38 (as publicly notified) was intended to apply to the Inner Residential zone, and that applying rule 5.3.11 to the Suburban Centre zone was beyond the scope of the plan change. The Committee noted however, that the

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Suburban Centres chapter of the District Plan is scheduled to be fully reviewed in 2007, and the issue of building demolition could be considered as part of that process.

Similarly, submission 25 requests that the demolition rule be applied to the suburb of Brooklyn. Because the research, consultation and notification of Plan Change 38 was limited to the suburbs of Newtown, Berhampore and Mt Cook the Hearing Committee considered that applying the provisions of the change to other suburbs was beyond the scope of the plan change. The Committee considered that a similar level of research as was conducted prior to Plan Change 38, identifying streetscape character, its perceived value, and the willingness of residents to have demolition controls applied to their area, would need to occur in Brooklyn before a plan change could be notified.

### ***Decision:***

- **Accept** submission 12 insofar as it requests that the Wakefield Hospital site be exempt from rule 5.3.11.
- **Reject** submissions 21, 22, 25 and 36 insofar as they oppose the application of rule 5.3.11 across all of the Inner Residential areas of Newtown, Berhampore and Mt Cook.
- **Reject** submissions 32 & 33 insofar as they request that rule 5.3.11 be applied to commercial buildings within the Suburban Centre zone.
- **Reject** submission 25 insofar as it requests that rule 5.3.11 be applied to the suburb of Brooklyn.

### **3.4. Identify areas of specific heritage value within the suburbs, based on an assessment of individual buildings and groups of buildings**

Submitters 27, 31 and 35 requested that Council identify areas of specific heritage values within each of the three suburbs. Submission 27 considered that heritage areas should be used instead of a generic demolition rule (rule 5.3.11), while submissions 31 and 35 considered that heritage area should be used in conjunction with the proposed demolition rule

### ***Consideration:***

The Hearing Committee noted that DPC 38 is intended to address issues of streetscape character rather than heritage, although its application would improve heritage outcomes. Applications to demolish a pre-1930's building must demonstrate that the replacement building's contribution to the local streetscape character will be as good or better than the existing building, noting the nature of the existing streetscape in question. However applicants are not required to address or consider the possible heritage value that a building may have as a result of its architectural, cultural or social history.

The Hearing Committee noted however that there are groups of residential buildings in Newtown, Berhampore and Mt Cook that would likely warrant protection based on their heritage value. The initial audit of the three suburbs undertaken in 1999 identified certain building groupings or precincts as having special value relative to the character of the area as a whole. The groupings/precincts were subsequently reviewed by Council officers in 2005 with the view to defining a number of 'heritage areas' for possible

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inclusion in the District Plan. The Committee noted that these areas are still being considered for inclusion in the District Plan as ‘heritage areas’, but further research and consultation with owners is needed prior to any plan change being notified.

### *Decision:*

- **Reject** submissions 27, 31 and 35 insofar as they request that specific heritage areas be identified in Newtown, Berhampore and Mt Cook as part of DPC 38.

### **3.5. Amend rule 5.3.11 which requires consent for the demolition of pre-1930 buildings**

Five submitters requested that Council amend rule 5.3.11 which requires consent to be granted to demolish pre-1930 buildings. Specific issues raised include:

- Reconsider the cut off date – it should be either pre-1940 or any building over 50 years old (submitter 23)
- Amend assessment criteria 5.3.11.4A to clarify the effects that rule 5.3.11 seeks to control (submitter 24)
- Expand rule to cover internal architectural features (submitter 18)
- Require consultation with the local residents association as part of the consent process (submitters 19, 32, 33 & 37)
- The submitter is concerned that demolition will still occur without public notification (submitter 30)
- Make demolition a Discretionary Activity (Unrestricted) to clarify the issue of public notification (submitter 24)

### *Consideration:*

Submitter 23 has requested that the cut off date for rule 5.3.11 be set at either 1940 or at any building over 50 years old. The Hearing Committee noted that the 1999 audit of Newtown, Berhampore and Mt Cook showed that the vast majority of buildings were in fact constructed prior to 1920:

#### **Proportion of residential buildings built before 1919**

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

The building age profiles indicated that while the majority of buildings constructed in these suburbs were built prior to 1920, there were a significant number of buildings constructed in the 10 year period between 1920 and 1930. After 1930, the age profiles showed that there was very little development in these suburbs. The 1930 date was selected as the cut off for the rule because it included the vast majority of original character dwellings within each of the three suburbs. It was also consistent with the date that used to apply the demolition rule in Mt Victoria and Thorndon.

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

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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.

The Hearing Committee considered that applying a rolling cut off date to rule 5.3.11 (i.e. covering any building over 50 years old) was not appropriate given that the rule is intended to manage existing streetscape character. As the majority of character houses were constructed prior to 1930, the Committee considered that altering the cut off point over time will be of little benefit in terms of managing the current residential character. It also considered this would provide administrative challenges and prejudice the interests of building owners without good resource management justification. It is hard to agree that a building which would not have had to be assessed for streetscape value in one year, required assessment the following year merely due to the passage of time rather than requiring any conscious process. On this basis the Committee considered that the 1930's cut off date should be retained.

Submitter 24 requested that assessment criteria 5.3.11.4.A be amended to further clarify the types of effects that Council is seeking to manage using the demolition rule. The proposed amendments are shown below as underlined text:

**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.**

The Hearing Committee considered that the proposed amendments helped to clarify the nature of the assessment that is required under Rule 5.3.11, and agreed that they should be incorporated into the plan change.

Submitter 18 requested that rule 5.3.11 be expanded to cover internal architectural features. The Hearing Committee considered that this would be inappropriate, and probably outside the scope of the plan change, given that the purpose of the rule is to assist in the management of streetscape character which is determined almost exclusively by a building's exterior characteristics.

Submitters 19, 32, 33 and 37 requested that rule 5.3.11 be amended to require applicants wishing to demolish pre-1930 buildings to consult with the local residents association. While the Hearing Committee agreed that such a provision had some appeal in terms of promoting local involvement early in the development process, they noted that a similar mechanism that currently applied in Mt Victoria and Thorndon had had unexpected repercussions. The Mt Victoria and Thorndon non-notification statement (installed by the Environment Court as part of a mediated settlement) states that an application need not be publicly notified if the applicant supplies written documentation of consultation with the local residents association. However the clause does not refer to the outcome of the consultation. As a result an applicant can undertake consultation with the residents association and irrespective of the outcome will become exempt from public notification. This has caused significant frustration for the residents association's because the presumption of non-notification applies even if the association has concerns regarding the proposal. For this reason Plan Change 38 did not apply the non-

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notification statement to Newtown, Berhampore and Mt Cook, preferring instead to rely on the provisions of the RMA to decide when the effects of a demolition proposal are sufficient to warrant public notification.

The Hearings Committee considered that it would be inappropriate to amend rule 5.3.11 to require consultation with the local residents association. To do so would have the effect of making the association an 'affected party' to every consent application, irrespective of the scale of the work or the degree of effect. The Hearing Committee also noted that while the Newtown Residents Association currently contains the appropriate skill set to comment on matters of architecture and urban design, continued access to that expertise could not be guaranteed.

Submitter 30 was concerned that under the current wording of rule 5.3.11 applications to demolish buildings may still be considered as non-notified consents. The Hearing Committee noted that this was correct as the decision on whether to publicly notify an application is made under the provisions of the RMA and would depend on the overall impact of the proposal on the local streetscape. Factors that would influence the notification decision include the scale of the work, the architectural quality, visibility and prominence of the existing building, and the quality of any proposed replacement building. For example, consent to demolish a pre-1930 dwelling located on a rear site that is not visible from any surrounding street, could well be granted as a non-notified application as the impact on the streetscape would be negligible. On this basis the Committee considered that it was appropriate that rule 5.3.11 be retained with no specific notification statement, so that each notification decision is made based on the potential effects of the proposal.

Submitter 24 requests that rule 5.3.11 be moved from being a Discretionary Activity (Restricted), to become a Discretionary Activity (Unrestricted) in order to clarify the issue of notification. The Hearing Committee did not consider that moving the activity status would provide additional clarity, as in both cases the decision on whether to require public notification would be made using the provisions of the RMA, based on the potential effects of the proposed development.

### Decision:

- **Reject** submission 23 insofar as it requests that the cut off date for rule 5.3.11 be amended to be either pre-1940 or any building over 50 years old.
- **Accept** submission 24 insofar as it requests that assessment criteria 5.3.11.4A be amended to clarify the effects that rule 5.3.11 seeks to control.
- **Reject** submission 18 insofar as it requests that rule 5.3.11 be expanded to cover internal architectural features.
- **Reject** submissions 19, 32, 33 and 37 insofar as they request that rule 5.3.11 be amended to require consultation with the local residents association.
- **Reject** submission 30 insofar as it implies that all applications for demolition under rule 5.3.11 should be publicly notified.
- **Reject** submission 24 insofar as it requests that rule 5.3.11 be made a Discretionary Activity (Unrestricted) to clarify the issue of public notification.

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## 3.6. Amend rule 5.3.11 in relation to the demolition of architectural features on the 'primary elevation'

Four submissions requested amendments to the clause in rule 5.3.11 that requires resource consent to be sought to remove architectural features from the 'primary elevation' of pre-1930 buildings. Specific issues raised in submissions include:

- The provision will make it harder and more costly to do reasonable modifications or improvements to existing houses (submitters 28 & 29)
- Amend explanation to rule 5.3.11 to clarify whether additions and alterations to the primary elevation constitute demolition of architectural features (submitter 23)
- Provide greater clarity as to what architectural features should be retained (submitter 37)
- Delete the restriction on removing architectural features from the primary elevation, when this is the rear (non-street) elevation on a sloping site (submitter 37)

### ***Consideration:***

DPC 38 proposes to implement rule 5.3.11 as it is presently applied in Thorndon and Mt Victoria, with one significant amendment. In Thorndon and Mt Victoria the control of demolition applies to the primary form of the building. The primary form is defined as:

***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.

The Hearings Committee noted that the focus on primary form works reasonably well in situations where the character can be appreciated from a distance and the finer details of the façade become harder to distinguish. In this situation it is principally the bulk, siting and rooflines of buildings that determine the visual character.

As a rule, the suburbs of Newtown, Berhampore and Mt Cook are 'experienced' up close, rather than from a distance. The special character of these suburbs is more commonly viewed from the street or adjoining public spaces. Accordingly it was considered that the architectural features and elements on individual houses were as important in determining streetscape and neighbourhood character as the primary form of the building. For this reason the definition of demolition in Newtown, Berhampore and Mt Cook was extended to include the removal or destruction of pre-1930 architectural features and elements from a dwelling's 'primary elevation(s)'. The Committee considered that there may well be merit in bringing Thorndon, Mt Victoria, and Aro Valley into line with this in future. In most instances the 'primary elevation' is the elevation that fronts onto the street, however in several instances there are groups of buildings who's main elevation is oriented away from the street towards a view or outlook. This is usually due to the topography of the site, normally where the ground level slopes steeply away from the street frontage. In this situation it is proposed to apply Rule 5.3.11 to both the street and main elevations. A definition of 'primary elevation' is included in the proposed plan change to clarify which elevation(s) on a

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building would be subject to the pre-1930's rule. The rule is worded to allow repair and maintenance, and the reinstatement of original architectural features, as of right.

Submitters 28 and 29 supported the application of rule 5.3.11 to control the demolition of pre-1930's houses, but opposed the extension of the rule to cover the removal or demolition of architectural features on the 'primary elevation'. They were concerned that this would make it harder and more costly to do reasonable modifications or improvements to existing houses.

The Hearings Committee noted that the revised rule is likely to increase the number of resource consent applications made to Council, as works on the primary elevation that were previously permitted would now require resource consent. Therefore, if it wished to retain the proposed rule, the Committee must first be satisfied that the potential benefits outweigh the additional compliance costs.

The Hearing Committee considered that retention of the 'primary elevation' rule for street elevations was appropriate. In Newtown, Berhampore and Mt Cook the detailing on the street façade of most pre-1930 houses is a very important feature contributing to streetscape character. This character is likely to be significantly compromised through insensitive additions and alterations to the street elevation. The explanation to rule 5.3.11 notes:

*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 buildings 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. 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 Hearings Committee noted that a secondary reason for retaining the 'primary elevation' rule was to close a potential loop hole in relation to the removal or demolition of a complete pre-1930 house. If the demolition of architectural features was permitted as of right, it is conceivable that an applicant may remove the architectural details from a pre-1930's building in order to lower the streetscape contribution of the building, thus improving their chances of gaining consent to demolish the entire structure.



In terms of the potential impact of the proposed rule, the Hearings Committee noted that most additions and alterations to pre-1930 character villas occur to the rear of, or in the roof space of the existing house. Additions to the front are often constrained by the close proximity of the front boundary and the internal layout of the house. Additions at the rear of (or above) the dwelling tend to be more effective as they provide scope to add new rooms, to reconfigure the internal layout of the house, and to link through to outdoor spaces. As rear elevations are generally not covered by the 'primary elevation'

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provision, the Committee considered that the proposed rule would not inhibit the majority of additions and alterations that occur within the three suburbs.

Submitter 37 generally supported the revisions to rule 5.3.11 but requested that the requirement to apply the ‘primary frontage’ rule to the rear elevation on sloping sites be deleted as it is overly restrictive.

The Committee noted that the ‘primary elevation’ provision does apply to the rear elevations of a small number of properties where the land slopes steeply away from the road and the building elevation containing the majority of the architectural detailing faces away from the road. Following a site visit of the three suburbs the Hearings Committee noted that this occurs in only three locations, where clusters of buildings were oriented away from the street towards a view or outlook. These were Kenwyn Terrace, Tasman Street and Wright Street (see photos below).

Street Elevation	Rear Elevation
 <p data-bbox="225 1256 560 1294">Kenwyn Terrace frontage</p>	 <p data-bbox="842 1249 1422 1294">Kenwyn Terrace viewed from Rintoul Street</p>
 <p data-bbox="225 1659 528 1697">Tasman Street frontage</p>	 <p data-bbox="842 1659 1422 1733">Tasman Street properties viewed from Myrtle Cres.</p>

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Wright Street frontage



Wright Street properties viewed from Tasman St.

Of these three streets, the Committee considered that Kenwyn Street was the most prominent being visible at close range from Rintoul Street (a busy street near the centre of Newtown) and from much of Newtown's eastern slope. Tasman Street is visible at close range from Myrtle Crescent, a quiet residential cul-de-sac, and at a greater distance from King Street. The Wright Street properties are visible from mid-range only, principally from the southern end of Tasman Street. The Hearing Committee considered that it was appropriate that the 'primary elevation' rule be applied to the rear elevation of the properties on these three streets because their contribution to the character of the surrounding neighbourhood was significant. However, to provide additional clarity, the Committee considered that the three areas should be mapped with a note to state that the rear elevation provision applies only in these areas. The Committee also considered that for the properties on Kenwyn Street and Wright Street only the rear elevations should be considered as 'primary elevations' because the street elevations were largely obscured and did not contribute significantly to local streetscape character. For the properties on Tasman Street the Committee considered that both the street and rear elevation should be treated as 'primary elevations', as both were openly visible and both contained a reasonable degree of detailing. As a consequence the definition of primary elevation, and the text in the explanation to rule 5.3.11 have also been amended to reflect these changes.

*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.*

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As a general note, the Hearing Committee observed that each of the three suburbs contained many individual houses with side and rear elevations that are visible from surrounding streets. However the Committee noted that the side and rear elevations rarely featured significant levels of detailing and as a result should not be considered to be 'primary elevations'.

Submission 23 requested that the explanation to rule 5.3.11 be amended to clarify that there may be occasions where additions and alterations to a 'primary elevation' constitute demolition of architectural features. For the sake of clarity the Hearing Committee considered that this submission should be accepted. It agreed that the following text should be added to the end of the fourth paragraph of the explanation to rule 5.3.11:

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

Submitter 37 requested that greater clarity be supplied in terms of the architectural features that must be retained. The definition contained in the plan change defines architectural feature as follows:

*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.*

The Hearing Committee considered that this definition was appropriate as it provided an indication to applicants as to the defining features of pre-1930 dwellings. Having undertaken a site visit of the three suburbs, the Committee noted that turrets were a recurring feature on pre-1930 dwellings. Accordingly, for the sake of clarity turrets were added to the definition of 'primary elevation'.

### Decision:

- **Reject** submissions 28 and 29 insofar as they request deletion of the portion of rule 5.3.11 that controls the demolition or removal of architectural features from the 'primary elevation' of pre-1930 houses.
- **Reject** submission 37 insofar as it requests the deletion of the portion of rule 5.3.11 that controls the removal of architectural features from the primary elevation, when this is the rear (non-street) elevation on a sloping site.
- **Accept** submission 37 insofar as it requests additional clarity as to which properties would be subject to rule 5.3.11 requiring consent for the removal of architectural features from the rear elevation of the dwelling.
- **Accept** submission 23 insofar as it requests amendments to rule 5.3.11 to clarify that additions and alterations to the primary elevation may constitute demolition of architectural features.

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- **Reject** submission 37 insofar as it requests additional clarity regarding the architectural features that should be retained.

## **3.7. Consider the heritage significance of the building to be demolished**

Two submitters requested that rule 5.3.11 be expanded to allow consideration of the heritage significance of the building to be demolished. Specific issues raised in submissions include:

- Expand assessment criteria to include the heritage value of the building (submitters 23 & 34)
- The issues of heritage and character extends beyond just houses and should include buildings, roads, parks etc (submitter 23)
- Demolition of a listed heritage building should be prohibited or non-complying (submitter 34)

### ***Consideration:***

Submitters 23 and 34 have requested that issues of heritage value be considered as part of the resource consent assessment undertaken under Rule 5.3.11.

The Hearing Committee noted that Plan Change 38 was prepared to address the issue of streetscape character and is not intended to be a mechanism for heritage protection. It did consider that the effect of Plan Change, in tandem with Plan Change 39, would be encourage the retention of older buildings being demolished and this could be reasonably regarded as a positive heritage outcome. Applications to demolish a pre-1930's building must demonstrate that either the contribution of the existing building to the local streetscape character is minimal, or that the replacement building's contribution to streetscape character will be as good or better than the existing building, taking into account the existing streetscape character. They are however not required to consider the possible heritage value of the building deriving from its architectural, cultural or social history, unless the building is specifically listed, as these are matters that go beyond streetscape character.

The Hearing Committee did not consider that it was appropriate to add heritage based assessment criteria to Rule 5.3.11. To do so would have the effect of making every property in the three suburbs built prior to 1930 a listed heritage building, which was not the intention of the plan change.

The Hearings Committee considered that requiring a heritage assessment of pre-1930 buildings would place a significant additional cost on to any resource consent, and would increase uncertainty for applicants. Applicants would be required to undertake a full evaluation of the architectural, social and cultural significance of their building before lodging a consent.

The Hearing Committee considered that if Council wished to conserve and manage the heritage values of buildings in these three suburbs, it had an obligation to first establish that each individual building or collection of buildings is of sufficient heritage value to warrant a heritage listing in the District Plan. The Committee considered that to try and

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achieve heritage protection under the guise of streetscape character protection would be inappropriate.

In addition the Hearing Committee noted that a heritage assessment would be required before any new buildings or areas were listed as heritage items in the District Plan. The Hearing Committee noted that the analysis undertaken in 1999 regarding the residential character of the three suburbs did not consider the heritage value of individual buildings, and was not sufficiently robust to justify listing individual buildings as heritage items. As such the Committee considered that it was inappropriate to try and address the issue of heritage significance through DPC 38.

## **Decision:**

- **Reject** submissions 23 and 34 insofar as they request that the heritage value of the building be added to the assessment criteria for rule 5.3.11.

## **3.8. Place greater focus on improving the quality of new infill and multi-unit developments**

Eight submissions noted that the focus of DPC 38 should be on the quality of new infill and multi-unit developments, rather than on the demolition of existing buildings. Specific issues raised in submissions include:

- Ban apartment buildings (submitter 6)
- No new buildings over three storeys (submitter 6)
- Require provision of visitor carparks with for developments over three units (submitter 6)
- Provide more protection for neighbours privacy and sunlight. Reduce sunlight access planes to protect the sunlight for buildings to the south of new developments (submitter 6)
- Make it harder to develop new buildings that are not sympathetic to existing character (submitters 11, 14, 16, 20 and 29)
- Stronger controls on infill housing are needed to prevent problems relating to character, amenity, traffic and services (submitter 31)

## ***Consideration:***

The Hearing Committee noted the above submissions, and agreed with them that there are two aspects to maintaining residential character. They are:

1. Manage those buildings, spaces and other features that contribute to the existing character.
2. Ensure that new buildings and developments recognise and enhance the character of the suburbs.

DPC 38 addresses the first of these issues by making the demolition of pre-1930's houses a Discretionary Activity, requiring resource consent from the Council. Applications for consent to demolish would be expected to demonstrate that either the existing building does not make a significant contribution to the streetscape character, or that the streetscape contribution made by the proposed replacement building will be as good, if not better, than the original dwelling, taking into account the existing streetscape character of the surrounding area.

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The Hearing Committee noted that issues of improving the quality of new infill and multi-unit development are covered by proposed District Plan Change 39 (DPC 39) which was heard concurrently with DPC 38. DPC 39 focuses on managing the effects of new buildings, particularly new multi-unit developments, to ensure that they do not degrade the character of these suburbs. DPC 39's focus on multi-unit developments is a result of previous analysis that identifies multi-unit developments as having the greatest capacity to significantly alter the character of an area, street or neighbourhood.

The Hearing Committee noted that while these submissions were beyond the scope of Plan Change 38, many of the issues raised had been debated and addressed during the hearing and deliberations on DPC 39. The decision report on DPC 39, which will be released at the same time as this decision, discusses in greater detail issues relating to new infill and multi-unit developments.

Submitter 6 specifically referred to Palm Grove apartments in Berhampore as an example of a poor multi-unit development that had compromised the character of the surrounding area. The Hearing Committee felt it was important to note that the Palm Grove apartment are located within the Suburban Centre zone and are subject to different planning provisions than are applied in the Inner Residential zone. The Committee noted that it would not be possible to build a new building of the scale of Palm Apartments under the Inner Residential zone provisions.

## *Decision:*

- **Reject** submissions 6, 11, 14, 16, 20, 29, and 31 on the basis that they request decisions that are beyond the scope of DPC 38. The Hearing Committee notes however that further work has been undertaken to improve the quality of new infill and multi-unit development as part of DPC 39.

## **3.9. Provide financial incentives and compensation for property owners required to keep and upgrade character houses**

Five submissions raised the issue of financial compensation or incentives resulting from DPC 38. Submissions 2 and 17 opposed the plan change and considered that the Council should pay compensation to property owners for any loss of value resulting from rule 5.3.11, and for the additional cost of owning and maintaining character houses. Submitters 8, 11, and 33 supported the plan change and requested that Council investigate options to assist people to maintain and renovate pre-1930 houses.

## *Consideration:*

The Hearing Committee noted that the District Plan is not able to provide financial incentives or compensation. Council's decisions relating to financial expenditure are made via the annual plan process. Regardless of this, the Hearing Committee did not consider that financial incentives or compensation should be provided as a result of DPC 38.

The Hearing Committee noted that there are costs associated with all property ownership. The Committee did not consider that DPC 38 significantly increased the

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ownership costs for buildings in Newtown, Berhampore and Mt Cook. Spending public money on incentives to undertake maintenance or renovations was therefore inappropriate given that the increased value resulting from those works would accrue to the property owner. The Hearings Committee also noted that financial incentives have not been provided elsewhere in the suburbs of Thorndon and Mt Victoria where the pre-1930 demolition rule is currently applied.

The Hearing Committee also noted that there was very little evidence that the application of the demolition rule has adversely impacted on property values. Property values in the suburbs of Thorndon and Mt Victoria (which have been subject to the rule for many years) are consistently been amongst the highest in Wellington. The Committee also noted that in 2006, the first year that the demolition rule has applied to Newtown, Berhampore and Mt Cook, the increase in property values in those suburbs had increased by 14.3%, the second highest increase in the city, exceeded only by value increases in Mt Victoria.

### **Decision:**

- **Reject** submissions 2, 8, 11, 17 and 33 insofar as they request that the Council put in place financial incentives to maintain and renovate existing buildings, or provide compensation to owners for loss of value resulting from rule 5.3.11.

### **3.10. Further enhance residential character by increasing planting, landscaping, traffic calming and under-grounding of services**

Submission 13 requested that additional measures be undertaken in Newtown, Berhampore and Mt Cook to further enhance the character of the suburbs. The submitter suggested increased street planting, traffic calming, under-grounding of utilities, and upgrading of parks and playgrounds.

### **Consideration:**

The Hearing Committee agreed with this submitter that increased street planting, traffic calming, and under-grounding of utilities etc, would be positive and would enhance the character of the suburbs. However the Committee noted that these actions are not able to be implemented through the District Plan. Rather they rely on Council decisions regarding capital expenditure that are made through the Annual Plan process. A copy of this submission has been passed to the traffic and parks teams at Council for their information.

### **Decision:**

- **Reject** submission 13 insofar as it requests the District Plan include references to requiring physical works to upgrade roads, increase street planting, under-grounding of utilities, and improvements to parks within Newtown, Berhampore and Mt Cook.

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## 3.11. RMA considerations

The Committee noted that the proposed District Plan Change 38 could only be endorsed if they were satisfied that the proposed demolition rule would better met the requirements of the RMA and the objectives of the District Plan.

The purpose of the Resource Management Act, 1991 (RMA) is to promote the sustainable management of natural and physical resource (section 5). The Council has additional obligations under section 7 of the Act. Section 7 requires that Council, in achieving the purposes of the RMA, have particular regard to:

- (b) the efficient use and development of natural and physical resources:*
- (c) the maintenance and enhancement of amenity values:*
- (f) maintenance and enhancement of the quality of the environment:*

The Committee considered that the collective and largely coherent character of Newtown, Mount Cook and Berhampore is a special resource that contributes significantly to the character and sense of place of Wellington City. The Committee considered that the existing character contributes to the amenity of local residents and visitors alike, and it's maintenance and enhancement is an important aspect of the quality of the local environment.

While acknowledging that the proposed plan change would increase costs for certain works (particularly those involving demolition of pre-1930 buildings), the Committee considered that the plan change would not compromise land owners ability to use and develop their properties with a reasonable degree of efficiency.

Overall, the Committee was satisfied that the proposed demolition provisions represent an appropriate balance between promoting intensive residential development, while maintaining amenity values and the quality of the existing environment.

### ***Recommendation:***

Adopt District Plan Change 38 on the grounds that it is consistent with Part II of the RMA.

## 4.0 CONCLUSION

The suburbs of Newtown, Berhampore and Mt Cook have a distinct local character derived from the retention of a high proportion of houses dating from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. In recognition of this character District Plan Change 38 was publicly notified, making the removal or demolition of pre-1930 buildings in these suburbs a Discretionary Activity (Restricted). The existing rule 5.3.11 will be applied to the Inner Residential Areas of Newtown, Berhampore and Mt Cook, with an additional provision relating to the removal or demolition of the 'primary elevation(s)' of pre-1930 buildings.

Having given due weight to all matter raised in submissions, and the evidence of those submitters that appeared at the hearing, the Hearing Committee considered that Plan Change 38 should be approved, with the following amendments:

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- Remove the Wakefield Hospital site from the area subject to the demolition rule
- Amend assessment criteria to provide additional clarity as to the effects that are being managed by the demolition rule
- Clarification of the application of rule 5.3.11 to the 'primary elevation'
- Amendments to the definition of Primary Elevation to clarify the areas where the 'primary elevation' includes the rear elevation of the building
- Provide additional assessment criteria to recognise the link between building demolition and the quality of the proposed replacement building(s).

The resulting plan change will allow the Council to more effectively manage issues of character and streetscape quality in the suburbs of Newtown, Berhampore and Mt Cook, while providing owners with a reasonable degree of freedom to alter and develop their properties. Overall the Hearing Committee recommends that Council endorse DPC 38, with the above amendments.

Andy Foster

**Chair, Hearing Committee –**

**District Plan Change 38 - Residential Character,**

**Demolition of pre-1930 buildings in Newtown, Berhampore and Mt Cook**