
REPORT 3
(1215/11/IM)

**DECISION ON DISTRICT PLAN CHANGE 40: -
AMENDMENTS TO THE NEWTOWN SUBURBAN
CENTRE CHARACTER AREA**

1. Purpose of Report

To report to Council the recommendations of the District Plan Hearing Committee concerning District Plan Change 40 – Amendments to the Newtown Suburban Centre Character Area.

2. Recommendation

It is recommended that Council:

- 1. Receive the information.*
- 2. That Council approves the recommendations of the District Plan Hearing Committee in respect of District Plan Change 40 – Amendments to the Newtown Suburban Centre Character Area as set out in Appendices One, Two, & Three of this report.*

3. Background

Proposed District Plan Change 40 was publicly notified on 15 December 2005.

Proposed District Plan Change 40 was a Council initiated plan change and the purpose of the plan change was threefold:

- Amend the content of the existing Newtown Suburban Centre Design Guide
- Alter the boundary of the Newtown Suburban Centre Character Area to include new properties
- Extend the frontages where verandah and display window rules apply

All owners and occupiers of properties in the Newtown Character Area 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 40 was held at the Council offices over two days on 29 & 30 November 2006, in conjunction with the hearing of District Plan Changes 38 and 39.

4. Discussion

Five main submissions and two further submissions were received on Proposed District Plan Change 40, addressing a range of issues.

Two submitters (Progressive Enterprises Limited, and the Newtown Residents Association) attended the hearing and spoke to their submissions.

The submissions covered a range of topics including the extent of the revised character area, extending the requirement to provide verandahs to new streets in Newtown, and the proposal to amend the title and content of the Newtown Suburban Centre Design Guide.

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. All of the 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 unique character of the Newtown Suburban Centre. The Committee has recommended a number of amendments to the provisions (as notified) to improve their clarity, application and effectiveness. These changes include:

- Removing the properties west of Adelaide Road from the Newtown Suburban Centre Character Area
- Extension of the verandah requirement to properties on Daniell Street and Gordon Street
- Amendments to Guideline 11, the cross referencing and the title of the Newtown Suburban Centre Design Guide

Overall the Hearing Committee recommends that Council endorse DPC 40, 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 on Plan Change 40 – Amendments to the Newtown Suburban Centre Character Area

REPORT OF THE HEARING COMMITTEE

WELLINGTON CITY COUNCIL
REPORT OF THE HEARING COMMITTEE

SUBJECT:

PROPOSED DISTRICT PLAN CHANGE 40: AMENDMENTS TO THE
NEWTOWN SUBURBAN CENTRE CHARACTER AREA

COMMITTEE MEMBERS:

CRS FOSTER
 GOULDEN
 McKINNON

DATE OF HEARING:

29 & 30 NOVEMBER 2006

1. RECOMMENDATIONS

1) *Approve District Plan Change 40 – Amendments to the Newtown Suburban Centre Character Area as publicly notified, subject to the following changes:*

- *Removal of properties west of Adelaide Road from the Newtown Suburban Centre Character Area.*
- *Extension of the verandah requirement to cover the properties on the south-west corner of Constable Street and Daniell Street, and on the north-west corner of Riddiford Street and Gordon Street.*
- *Retention of the previous title of the Newtown Suburban Centre Design Guide*
- *Amended wording in Guideline 11 of the Newtown Suburban Centre Design Guide*
- *Minor typological changes in cross referencing of the design guide and title of the planning maps.*

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.*

3) *Direct Council officers to undertake the following work as a result of issues raised through proposed District Plan Change 40:*

- *Review the District Plan provisions that apply to the Suburban Centre properties fronting John Street (west of the intersection with Adelaide Road) with particular regard to the urban design requirements of any future development on the sites. The location of the sites in relation to the Newtown Suburban Centre Character Area, and their role as part of the southern ‘gateway’ to Newtown commercial centre should be addressed. This work should be undertaken as part of the Suburban Centre Review scheduled to commence in mid 2007.*

2. INTRODUCTION

This decision relates to Proposed District Plan Change 40 – Amendments to the Newtown Suburban Centre Character Area (DPC40).

DPC 40 was publicly notified on 15 December 2005.

DPC 40 is a Council initiated plan change. The purpose of the plan change is threefold:

- Amend the content of the existing Newtown Suburban Centre Design Guide
- Alter the boundary of the Newtown Suburban Centre Character Area as follows:
 - Removal of properties currently zoned Inner Residential on the western edge of Riddiford Street, south of the Gordon Street intersection
 - Addition of the Newtown New World site in the block between Newtown Ave and Normanby Street
 - Addition of properties at the northern end of the character area, on either side of John Street, west of the intersection with Adelaide Road
- Extend the frontages where verandah and display window rules apply

All owners and occupiers of properties in and around the Newtown Character Area 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 40 was held at Council Offices over two days on 29 & 30 November 2006, in conjunction with the hearing of District Plan Changes 38 and 39.

Five submissions were received from:

Submission No.	Submission Name
1	Progressive Enterprises Ltd (Nicola Atkinson)
2	McDonald's Restaurants (NZ) Limited
3	New Zealand Historic Places Trust
4	Steve Dunn
5	Newtown Residents Association

Two further submissions were received from:

FS1	<p>Progressive Enterprises Ltd (Nicola Atkinson)</p> <p>Progressive opposed the submissions of McDonald's Restaurants NZ Limited, New Zealand Historic Places Trust, Steve Dunn and the Newtown Residents Association, to the extent that they are inconsistent with the original submission of Nicola Atkinson.</p>
FS2	<p>Dale Mary McTavish</p> <p>The further submission of Dale Mary McTavish supported the plan change, but as it did not specify an original submission that it was in support of or in opposition to. On that basis it was considered that Council could not accept the further submission as valid.</p>

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Note: this report provides decisions on all original submissions. While not specifically referred to, further submissions are taken to be accepted or rejected depending on whether they support or oppose an original submission.

At the hearing on the 29 November 2006, Jeremy Blake spoke to the officer's report on the plan change. Two submitters appeared at the hearing and spoke to their submissions. They were:

- Progressive Enterprises Ltd (represented by James Gardner-Hopkins, Allison Arthur-Young, and Michael Foster)
- Newtown Residents Association (represented by Martin Hanley)

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

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

3. SUBMISSIONS AND DISCUSSION

3.1. General submissions

The Council received one submission from Steve Dunn that supported DPC 40 as notified on the grounds that it would aid the protection of the historic character of Newtown.

Consideration:

The Hearing Committee accepted the submission of Steve Dunn on the grounds that it supports DPC 40 as notified.

Decision:

- *Accept the submission of Steve Dunn insofar as it supports DPC 40 as publicly notified.*

3.2. Extent of the Newtown Suburban Centre Character Area

Three submissions requested changes to the extent of the Newtown Suburban Centre Character Area. The key issues raised in submissions were:

- Remove the properties on the western side of Adelaide from the proposed character area (submission 1, Progressive Enterprises)
- Support the proposed amendments to the character area, and request that the area be further extended to include properties on Donald McLean Street, Rhodes Street, and Riddiford Street (submission 5, Newtown Residents Association)
- Support the proposed amendments to the character area, and request that the area be expanded to cover all suburban centre properties (submission 3, Historic Places Trust)

Consideration:

The Hearing Committee considered at length the requests for changes to the extent of the Newtown Suburban Centre Character Area.

In their submission to the Hearing Committee, Progressive Enterprises Ltd (Progressive) opposed the proposed changes and requested that the properties at the northern end of the character area, west of Adelaide Road be removed from the character area. This would include

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the site owned by Progressive on the south-western corner of the John Street and Adelaide Road intersection (currently occupied by a Bunnings hardware store).

Progressive considered that the inclusion of land fronting John Street into the character area was inappropriate. The submitter considered that the proposed inclusion of these properties was not the most efficient or effective way of achieving District Plan Objective 6.2.3:

“To maintain and enhance the physical character, townscape and streetscape of Suburban Centres.”

They argued that the proposed inclusion of these properties within the character area was inappropriate because:

- It had not been demonstrated that those areas exhibit character worth protecting.
- Alternative provisions for achieving the objective had not been considered.
- The cost to the land owners of the proposed changes had not been considered.

Progressive also considered that the plan change is based on an inadequate s32 analysis and insufficient supporting information. They considered that the plan change would not promote sustainable management of resources, and is inconsistent with the RMA and the District Plan.

Progressive was concerned that inclusion of their site in the character area would require any future development to replicate the historic character and ‘fine grain’ of the Victorian and Edwardian commercial buildings found elsewhere in the Newtown Character Area. They felt that this was inappropriate and could make it impossible to develop a supermarket on the site. In their initial submissions to the Hearing Committee Progressive argued that the sites west of Adelaide Road did not form part of the gateway to the Newtown Character Area and had little landmark quality.

Progressive considered that the focus of the plan change was wrong. While Progressive noted it was appropriate to engage in discussions with Council regarding future development of their site, they considered that these discussions should be directed at achieving quality urban design outcomes rather than trying to replicate heritage character. In this regard Progressive noted that the assessment criteria introduced by proposed District Plan Change 52 to assess large format retail activities located in Suburban Centres, were more appropriate for their site than applying the Newtown Character Area Design Guide.

The Hearings Committee explored Progressive’s submission at length at the hearing. It noted Progressive’s architectural advisor, David Pearson’s written evidence opposing any requirement for development on the John St site to replicate heritage patterns. However the committee also noted his comments regarding the Auckland City approach to such sites which do not of themselves have heritage value. He advised that ‘It is suggested that any guidelines applying to these sites have greater flexibility by requiring that new developments ‘respect’ the existing fabric.’ He suggested that new buildings should be subject to scrutiny by heritage and planning professionals.

At the hearing the Committee also explored possible layout arrangements with Progressive. Mike Foster advised that under normal circumstances a supermarket would have extensive carparking fronting the street. The Committee agreed with the officer’s and NRA’s view that the John Street/Adelaide Road corner is a significant one, and had ‘gateway’ characteristics. It considered that a built active edge was strongly desirable, and was assured by Mike Foster that the site, developed for supermarket purposes could be arranged to accommodate that. He advised that the key for supermarket parking is that users have no difficulty in seeing that car parking is available and that it is safe. He also noted that a requirement to provide verandahs would only be acceptable to Progressive if they are attached to a building rather than stand

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alone. He advised that Progressive would be ‘happy to have the conversation about appropriateness of their design.’

Mike Foster further advised that though Progressive did not view the site as a ‘gateway’ they did acknowledge it has ‘some prominence’ and they would be happy to have ‘some sort of gateway requirement. He advised that Progressive would be comfortable that the issue considered by Council is that of quality of urban design rather than heritage replication.

The Newtown Residents Association (NRA) supported the proposal to include the properties fronting John Street into the character area on the grounds that the properties are located at the start of Riddiford Street and are an important component making up the northern ‘gateway’ to the character area. The NRA also considered that the sites have landmark significance given their high visibility and location on the edge of two busy roads. The NRA stressed that they were supportive of architectural diversity within the character area and did not seek new buildings to be heritage replicas. However they noted that the location of the John Street properties in relation to adjacent character buildings (across Adelaide Road) meant that any new development on the site should be carefully considered in terms of its design and impact on the public environment.

The Hearing Committee agreed with Progressive and the NRA that it was not appropriate, nor desirable, for new buildings within the Newtown Character Area to attempt to recreate a ‘faux heritage’ style. In particular it was not appropriate to require a supermarket to attempt to recreate the traditional ‘fine grained’ character of Newtown.

However the Hearing Committee did not agree with Progressive’s initial assertion that future development on properties west of Adelaide Road would have no significant impact on the existing character buildings on the eastern side of the road. The Hearing Committee considered that the properties west of Adelaide Road, and particularly the Progressive site, required careful consideration given their visibility, location at the entrance to Riddiford Street, and their proximity to existing character buildings across the Adelaide Road/Riddiford Street intersection. While new development of these properties should not attempt to replicate existing character, it should be sympathetic to the surrounding context and maintain a positive relationship to adjoining public space. The Committee considered that while a new development on the Progressive site should not be required to replicate character, its design and form would still impact on the adjacent character area and the quality of adjoining public spaces. In this regard the Committee considered that urban design issues such as street edge definition, active frontages, servicing and relationship to context were very relevant to any future development of sites fronting John Street, west of Adelaide Road.

On this issue, the Hearing Committee noted that proposed Plan Change 52 (DPC 52) had been publicly notified by the Council subsequent to DPC 40. Under DPC 52 an application for resource consent is required for any building in a Suburban Centre exceeding a gross floor area of 500m². The consent application must supply a design statement that demonstrates:

- the extent to which the design and siting of the building reinforces and defines the adjoining street edge and public space
- the way the treatment of the building bulk mitigates the scale of the building relative to adjacent sites and buildings (eg through providing transitional volumes or contrasting elements)
- the way in which any wall surfaces facing a public space are articulated to avoid featureless or blank walls
- the extent to which the building is designed so that entrances, windows and publicly-relevant activities are located along ground floor street frontages

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- whether servicing and vehicle parking is located and functions in a way that does not compromise the quality of the street edge, nor the status of the main entry to the building
- the extent to which the building is designed to respond appropriately to its context
- for any residential unit, the extent to which the proposal meets the Multi Unit Developments Design Guide, in Volume 2 of the District Plan
- the extent to which cultural or heritage values associated with the site are recognised
- the extent to which principles for crime prevention through environmental design are incorporated into the building development. Reference can be made to the Guidelines for Design Against Crime, in Volume 2 of the District Plan.

These additional design requirements are intended to ensure that the District Plan contains appropriate criteria to assess future applications for large buildings in suburban centres.

In light of DPC 52, the Hearing Committee considered at length which combination of District Plan provisions would enable the Council to effectively manage urban design issues on the properties west of Adelaide Road. The Committee felt that retaining the properties in the Newtown Suburban Centre Character Area was beneficial in that it recognised the need for development to be sympathetic to the character buildings across Adelaide Road. However they acknowledged that the majority of the guidelines contained in the Character Area Design Guide were of little relevance to the type of development likely to occur on the John Street properties. On balance therefore the Committee considered that the generic urban design criteria included in DPC 52 provided a better 'fit' for the sites fronting John Street, than the guidelines contained in the character area design guide. Accordingly the Hearing Committee considered that the properties west of Adelaide Road should be removed from the character area.

The Hearing Committee did not consider that removing these properties from the character area removed the need for future developments to address matters of context and urban design. Specifically the Committee considered that the sites west of Adelaide Road remained significant as part of the northern gateway to Newtown. The Committee also noted that future developments in the area should give careful consideration to the surrounding context (particularly the relationship with the character buildings across Riddiford Street) and strive to achieve quality urban design outcomes. With this in mind the Hearing Committee included a recommendation in its decision directing officers to consider further the urban design issues raised by the sites fronting John Street, west of Adelaide Road, as part of the upcoming Suburban Centre Review.

The NRA requested that Council include additional areas along Rhodes Street and Donald McLean Street within the character area. Doing so would allow Council to assess (by way of a resource consent) the urban design of new buildings in those areas, to help ensure positive results in terms of character and the quality of the public environment. The additional areas suggested by the NRA were:

- The addition of Suburban Centre zoned properties on the northern edge of Donald McLean Street.
- The addition of Suburban Centre zoned properties on the northern edge of Rhodes Street
- Rezoning of three properties on the southern corner of Donald Street and Riddiford Street (236-248 Riddiford Street), and inclusion of these properties in the Character Area. These properties are currently zoned Inner Residential but are used for commercial purposes.

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While these areas have traditionally been used for commercial and light industrial activities and do not display the built character of Riddiford Street, the NRA noted that they were increasingly being converted to house retail activities. As retail use of these areas solidifies, the NRA considered that the streets will increasingly be used by locals as pedestrian routes to get to and from Riddiford Street. Given the likely increase in pedestrian use the NRA is keen to ensure that new developments make a positive contribution in terms of urban design quality, amenity and public safety.

On a similar note the Historic Places Trust (HPT) supported the proposed boundary changes, but requested that the Character Area be expanded to cover all of Newtown's Suburban Centre zoned properties to remove gaps between the suburban centre character area, and the adjacent residentially zoned properties that were covered by the demolition provisions of proposed District Plan Change 38 (DPC 38).

The Hearing Committee agreed with the NRA and HPT that all new buildings have the potential to impact on the quality of the surrounding area, and that ideally all new buildings should demonstrate quality urban design. However in considering the two requests to expand the character area, the Hearings Committee were required to consider whether this was likely to be appropriate and effective in terms of promoting quality urban design.

The Hearing Committee noted that the character area was a targeted planning mechanism designed to retain the existing character of specific area. The Newtown character area had been carefully defined, and covers those properties that display the characteristic historical built form of the Newtown commercial centre. The existing character of the Newtown Character Area is fine grained, two storey retail premises with verandahs and ground floor shop fronts. Away from Riddiford Street the character of Newtown is more diverse reflecting its history as an area of commercial and light industrial activities. While there is a trend towards some retail use in these areas, the Committee noted that the building stock does not have the same core characteristics as the Riddiford Street properties. As such the Committee considered that the properties on Rhodes Street and Donald McLean Street did not meet the criteria for inclusion in the character area.

The Hearing Committee did not consider that the character area should be expanded to cover areas that did not share the area's existing built character. They also considered that expanding the character area to cover all properties zoned suburban Centre in Newtown was not the appropriate mechanism for dealing with urban design in these areas. Simply applying the current character area rule and design guide to a wider area would not necessarily result in improved urban design outcomes, and would increase compliance costs for property owners within the wider area. Accordingly the Hearing Committee decided that there should be no additional properties or areas incorporated into the Newtown Suburban Centre Character Area.

In reaching this conclusion, the Hearing Committee was very mindful of the fact that matters of good urban design are still an important consideration in these areas, but considered that these areas would be better served by a targeted response that focused on the area's key urban design issues. The Committee noted DPC 52 and that the suburban centre review scheduled for 2007 would provide an opportunity for these issues to be addressed.

The Hearing Committee considered that the NRA's request to rezone the properties at 236-248 from Inner Residential to Suburban Centre was beyond the scope of Plan Change 40. However they considered that it could be appropriately considered as part of the Suburban Centre review to be undertaken in 2007.

Decision:

- *Accept the submission of Newtown Residents Association insofar as they support the inclusion of the New World site into the Newtown Suburban Centre Character Area.*
- *Reject the submission of Newtown Residents Association insofar as they support the inclusion of John Street properties into the Newtown Suburban Centre Character Area, and request that the additional areas of Rhodes Street and Donald McLean Street be included in the Newtown Suburban Centre Character Area.*
- *Reject the submission of Newtown Residents Association insofar as they request that the properties at 236-248 Riddiford Street be rezoned as Suburban Centre and retained in the Newtown Suburban Centre Character Area.*
- *Accept the submission of Progressive Enterprises insofar as they request that the properties on the western side of Adelaide Road be removed from the Newtown Suburban Centre Character Area.*
- *Recommend that Council officers undertake further investigation into the urban design issues raised by the properties fronting John Street, west of Adelaide Road, as part of the Suburban Centre Review.*

3.3. Extent of the verandah requirement

Two submissions commented on the proposal to extend the verandah requirement to new street frontages within Newtown. The key issues raised were:

- Oppose the application of the verandah frontage requirement to properties west of Adelaide Road (submission 1, Progressive Enterprises)
- Support the revised verandah frontages, and request that they be further extended to cover properties on Daniell Street, Donald McLean Street, Rhodes Street and Riddiford Street (submission 5, Newtown Residents Association)
- Request that the second Map 6 in the plan change document be re-labelled.

Consideration:

DPC 40 proposes to expand the number of street frontages in Newtown that are subject to the verandah and shopfront requirements in the District Plan. Prior to the plan change the verandah provision was largely limited to properties fronting Riddiford Street. DPC 40 proposed to apply the provision to side streets that were included in the Newtown Character Area, to the southern edge of Constable Street, and to properties at the intersection of John Street and Adelaide Road.

Progressive initially opposed the application of the verandah provision to sites west of Adelaide Road. Progressive considered that the application of the verandah requirement to properties west of Adelaide Road was unduly onerous. Their submission did not consider that pedestrian levels in the area warranted construction of verandahs, and that the cost of installing verandahs would outweigh any benefits to the public environment. Progressive also noted that construction of verandahs was likely to be incompatible with the operational requirements for large format retailing.

However this was extensively explored at the hearing, and Progressive acknowledged John St/Adelaide Road frontages as important pedestrian routes. They advised that they could accept a verandah on John St and the first part of Adelaide Road south of the intersection provided that it was attached to any new building they constructed.

The NRA supported the expanded verandah frontages proposed by DPC 40, and requested that the provisions be applied to additional street frontages. The NRA also requested that the

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number of the map showing the verandah amendments be corrected; it is currently shown as Map 6 but should be Map 49. The Hearing Committee agreed that the map should be re-numbered as Map 49.

The NRA noted that the scale of Newtown, and its close proximity to the city centre meant that many residents walked within the suburb, and to and from central Wellington. As a result pedestrian links within Newtown are very important and improved pedestrian shelter was highly desirable. They supported the extended verandah frontages contained in DPC 40 and requested that the following frontages also be included:

- The Daniell Street frontage of the property on the corner of Constable Street and Daniell Street
- All Suburban Centre zoned sites fronting onto Donald McLean Street
- All Suburban Centre zoned sites fronting onto Rhodes Street
- Sites at and immediately south of the intersection of Riddiford Street and Gordon Street.

The NRA supported moves to require verandahs on properties fronting John Street, and the western edge of Adelaide Road on the grounds that significant numbers of pedestrians already move through this area to get to the Newtown suburban centre. They particularly noted the large numbers of students and hospital staff walking in the area including at night, and stressed the importance of shelter and active building edges providing natural surveillance. They noted that pedestrian traffic in the John Street area was almost certain to increase if a supermarket was developed on Progressive's site. They also noted the increase in pedestrian traffic that is expected to arise from intensification of development on Council's Growth Spine along Adelaide Road between John St and the Basin Reserve.

In light of Wellington's varied climate the Hearing Committee agreed the importance of verandah cover as a source of shelter for pedestrians. They also noted that verandahs were a characteristic feature of many buildings within the character area. The Committee considered that the requirement to establish verandahs was justified along those frontages that carried significant pedestrian traffic, and in areas where verandahs were a characteristic building feature. In considering the cost implications of the proposed verandah requirement, the Committee noted that the requirement to install a verandah as not retrospective and is only triggered if a new building, or significant addition to an existing building is proposed. The committee also noted that most significant suburban centres include the requirement to provide verandahs on key streets.

The Hearing Committee gave specific consideration as to whether to retain the verandah requirement along John Street. They noted that pedestrian numbers at the John Street and Adelaide Road intersection were significant, particularly before and after work. The layout of the intersection provides few through routes, meaning that most pedestrians were forced to stop and wait for the appropriate traffic signal. As a result pedestrian cover at the intersection was likely to be particularly beneficial for pedestrians moving through the area. The Committee also noted that two proposals were likely to increase pedestrian numbers in the area. These were the supermarket development suggested for the Progressive site, and the proposed intensification of residential and commercial activities along Adelaide Road anticipated by the Council's long term Urban Development Strategy (2005)

The Council also agreed with NRA's request to include verandah requirements on the south western corner of the Constable - Daniell Street intersection and the north western corner of Riddiford - Gordon Street intersection.

On that basis the Committee considered that the verandah requirements shown in DPC 40 were not unduly onerous, would support pedestrian movement in Newtown, and should be confirmed, including on the John Street properties, with the following changes:

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- Apply the verandah frontage requirement to the Daniell Street frontage of the property on the south-west corner of Constable Street and Daniell Street
- Apply the verandah frontage requirement to the property on the north western corner of Riddiford Street and Gordon Street

They did not consider that requiring verandahs along Rhodes Street and Donald McLean Street (as requested by the NRA) was justified on the basis that verandahs were not an existing feature of these areas, would be difficult to retrofit to many buildings because of their style and location on site, and were possibly not warranted given the levels of pedestrian traffic.

Decision:

- *Accept the submission of Newtown Residents Association insofar as they support the proposed amendments.*
- *Accept the submission of Newtown Residents Association insofar as the request that the verandah requirement be applied to the south-west corner of Constable Street and Daniell Street, and along the north-west corner of Riddiford Street and Gordon Street.*
- *Reject the submission of Newtown Residents Association insofar as they requests that the verandah requirement be applied along Rhodes Street and Donald McLean Street.*
- *Reject the submission of Progressives Enterprises insofar as they request removal of the verandah requirement from properties fronting John Street and the western edge of Adelaide Road*

3.4. Amendment to the Newtown Character Area Design Guide

Four submissions commented on the proposed changes to the content of the Newtown Character Area Design Guide. The key issues raised in submissions were:

- Support the proposed amendments but request that the cross reference in guideline 1 be corrected (submission 5, Newtown Residents Association)
- Amend the rules so that the Council can withhold consent for projects that do not accord with the design guide (submission 5, Newtown Residents Association)
- Support the proposed amendments to the design guide but request that the previous title of the design guide be retained (submission 3, Historic Places Trust)
- Amend the wording of the guideline 11 relating to Additions/Alterations to Non-Character Buildings (submission 2, McDonalds Restaurants)
- Oppose the revised guidelines (submission 1, Progressive Enterprises)

Consideration:

DPC 40 proposed to amend the content of the Newtown Character Area Design Guide to improve its clarity and effectiveness. The changes included revision of existing guidelines, inclusion of new guidelines and renaming the design guide as the Riddiford Street Design Guide.

The NRA supported the proposed amendments but requested the Council correct a cross reference contained in Guideline 1.

The Hearing Committee accepted the submission of the NRA insofar as it supported the amended content of the design guide. The Committee also agreed to the NRA's request to correct the cross reference in Guideline 1.

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The NRA also requested that Council retain the ability to withhold consent for projects that do not accord with the Newtown Character Area Design Guide. The Hearing Committee noted that this would require changing the status of the rule that applies the design guide from the current Controlled Activity, to at least Discretionary Activity (Restricted). The Committee considered that amending the activity status of the rule was beyond the scope of DPC 40 as notified, but that this issue could be re-visited as part of the Suburban Centre review which is scheduled to begin in early 2007.

The HPT generally supported the amended design guide but requested that the existing title of the 'Newtown Suburban Centre Design Guide' be retained to avoid confusion.

The Hearing Committee agreed with the HPT regarding the name of the design guide. Given the design guide applies to streets other than Riddiford Street, they considered that there was merit in keeping the more generic title of 'Newtown Suburban Centre Design Guide'.

McDonalds Restaurants (NZ) Limited (McDonalds) supported the plan change in general but requested that the text in Guideline 11, which addresses Additions/Alterations to Non-Character Buildings, be amended as follows:

Remove the following text:

To ensure this, achieving compatibility with the defining characteristics of adjacent old buildings is essential.

Replace the text with:

...and should be designed to achieve a degree of compatibility with the defining characteristics of adjacent old buildings to the extent that is practicable in the particular circumstances.

The Committee noted the concerns raised by McDonald's regarding the wording of Guideline 11. They agreed with the submitter that the current wording, particularly the use of the phrase 'essential' was too strong given the range of building types within the character area. However they considered that the proposed phrase 'to the extent that is practicable in the particular circumstances' was too vague, open to interpretation, and could be used to justify developments that had poor urban design outcomes. To address both these concerns the Committee considered that the wording of the guideline should be pitched somewhere between the text as notified and the text submitted by McDonalds. The Committee considered that replacing the current phrase 'essential' with 'important' would strike the right balance between affirming the importance of the issue, but still providing sufficient flexibility to allow designers and developers to respond to unusual developments or sites. They also considered that further clarification of what was meant by 'compatibility' would be beneficial. The Hearing Committee considered that Guideline 11 should be amended as follows:

To ensure this, achieving compatibility with the defining characteristics of adjacent old buildings is essential important. Compatibility does not preclude a range of architectural styles and does not require replication of the existing building stock. Reference should be made to the scale, façade modelling and design quality of typical buildings, rather than copying stylistic/period detail or reproducing heritage.

Progressive opposed the changes to the Design Guide on the grounds that the revisions fail to recognise the operational requirements of large format retail.

The Hearing Committee did not agree with Progressive that the proposed amendments to the design guide should be withdrawn. They considered that the amendments would improve the clarity and effectiveness of the design guide, resulting in better urban design outcomes within the Newtown Character Area. The Committee also noted that the design guide would not apply

to Progressive's site given the Committee's decision to remove John Street properties from the character area.

Decision:

- *Accept the submission of the Newtown Residents Association insofar as they support the amended design guide, and request changes to the numbering of Guideline 1 and Map 45.*
- *Reject the submission of Newtown Residents Association insofar as they request that Council include the ability to withhold consent for development not in accord with the Riddiford Street Design Guide.*
- *Accept the submission of the Historic Places Trust insofar as they request that the title of the design guide be changed to 'Newtown Suburban Centre Design Guide'.*
- *Accept the submission of McDonalds Restaurants insofar as they requested amendments to the wording of Guideline 11.*
- *Reject the submission of Progressive Enterprises insofar as they oppose the amendments to the content of the design guide put forward in Plan Change 40.*

3.5. Resource Management Act

Consideration:

The Committee noted that proposed District Plan Change 40 could only be endorsed if they were satisfied that the amended character area, the extended verandah frontages, and the revised design guide 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. In relation to DPC 40, 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 Hearing Committee considered that amendments to the boundary of the Newtown Suburban Centre Character Area, and the Newtown Suburban Centre Design Guide would allow the Council to better manage the unique character of the Newtown Suburban Centre Character Area.

While acknowledging that the proposed verandah requirements would likely increase future development costs for some properties, the Committee considered that this cost was balanced by improvements in the quality of the environment for pedestrian traffic and improvements the amenity for people moving around the suburb on foot.

Overall the Hearing Committee was satisfied that the provisions contained in DPC 40 are consistent with Part II of the Act and struck an appropriate balance between facilitating commercial development, and maintaining and enhancing the amenity and quality of the local environment in the Newtown Suburban Centre.

Decision:

- *Adopt DPC 40 on the grounds that it is consistent with Part II of the RMA.*

4.0 CONCLUSION

The key issues raised in written and verbal submissions on DPC 40 have been addressed in this decision. 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.

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 unique character of the Newtown Suburban Centre. The Committee considered that a number of amendments should be made to the plan change (as notified) to improve its clarity, application and effectiveness. These changes include:

- Removing the properties west of Adelaide Road from the Newtown Suburban Centre Character Area
- Extension of the verandah requirement to properties on Daniell Street and Gordon Street
- Amendments to Guideline 11, the cross referencing and the title of the Newtown Suburban Centre Design Guide

Andy Foster

Chair, Hearing Committee

District Plan Change 40 –

Amendments to the Newtown Suburban Centre Character Area