

24 March 2023

Submitter Statement by Historic Places Wellington

Stream 2 – 6 April 2023

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1.0 Summary of key points

1.1

The s.42A report is fully endorsed.

1.2

The “left out” sites generally have strong heritage value. To the extent that the qualifying matter for these sites is s.77I(a), it is not necessary to comply with s.77L.

1.3

Were they to be included in the Character Precincts however, the management of the specific characteristics of the Operative Plan Character Areas would strike the right balance between preserving s.6 and s.7 matters and permitting development where and to the extent that it is appropriate. The Precincts permit development and HPW agrees with the ss.32 and 42A report writers on that point.

1.4

If found to be necessary, the requirements of s.77L can be met in the Panel’s s.32AA report of recommendations to the Council.

2.0 Introduction

2.1

All sites identified below are currently in the Character Areas of the Operative Plan. The history of the provisions relating to those areas is set out in the evidence of Mr Brett McKay (for WCCT). Key objectives, policies and rules included the demolition controls on pre-1930 buildings, design guides and policies recognising the underlying heritage value of the streetscape character protection.

2.2

Historic Places Wellington (HPW) notes that the areas fall within the walkable catchments and the District Plan must enable development of building heights of at least six storeys in those areas (Schedule 3B (c)), except to the extent necessary to accommodate a qualifying matter (NPS-UD, Policy 3(c).

And Policy 4, s.77I RMA).

2.3

The maximum height for areas within proposed “Character Precincts” is the MDRS (11m). There are other rules applicable, significantly, the demolition and maintenance rules.

3.0 Pt 1 Shedule 1

3.1

HPW requests the rules relating to Character Precincts be dealt with by way of Pt 1 Shedule 1 of the RMA (not by the ISSP) and has previously outlined its reasons.

4.0 Demolition: MRZ-PREC01-P2

4.1

HPW supports the proposal from Brett McKay and WCCT for amending the demolition, maintenance and density provisions to be applied in the Character Precincts. HPW proposes the amended text of MRZ-PREC01-P2:

MRZ-PREC01-P2

Restrictions on demolition

Only allow the demolition of pre-1930 buildings, including the demolition or removal of architectural features from the primary elevation of any pre-1930 building where either:

1. It can be demonstrated that the contribution of the building to the character of the area is low, with reference to:

(a) The level of visibility of the existing building from surrounding public spaces;

(b) Whether the building is consistent in form and style with other pre-1930 buildings that contribute positively to the character of the area;

(c) The extent to which the existing building retains its original design features relating to form, materials, and detailing and the extent to which those features have been modified;

(d) Whether the building is an integral part of a row of buildings that are consistent in form, scale, and siting; and

(e) Whether the building represents a rare or unique example of pre-1930 architecture;

(f) Whether the building is a distinctive element within the local townscape;

2. Retention of the existing building is impractical or unreasonable~~The building is shown to be in poor condition~~, particularly in terms of:

(a) Its structural integrity, so that its retention would render it incapable of reasonable use~~is impractical or economically unviable~~;

(b) Whether the building presents a hazard; and

(c) Whether the building presents a risk to life in the event of an earthquake.

4.2

Pre 1900 buildings are required to obtain an archeological permit under the Heritage New Zealand Pouhere Taonga Act. Typically the LIM for inner city buildings however refer to the

building's age as "1900s". In many instances the building is clearly visible on the 1892 Thomas Ward map. HPW asks the Panel to recommend to Council that the correct age of the building is noted on the LIM where feasible. This accurate information would alert purchasers to the need for a permit prior to any demolition.

5.0 Character Precincts

5.1

There are three groups of sites to be covered by the proposed qualifying matter:

- (a) those sites included in Character Precincts in the PDP, as identified in the Spatial Plan and evaluated in the s.32 report;
- (b) those extra sites recommended in the s.42A report for inclusion in Character Precincts (generally corresponding to those sites which officers recommended for inclusion in the final Spatial Plan); and
- (c) those sites "left out" of the s.42A report but which meet the criteria for inclusion in Character Precincts (identified by the 2019 Boffa Miskell Report and which are of historic heritage significance under s.6(f)).

6.0

(a) & (b) Sites

6.1

HPW agrees with the authors of both the ss.32 and 42A reports that character streetscape is a qualifying matter (refer paras 37-44 s.42A Report - Part 4). HPW says the characteristics of the Character Precincts are "any other matter that makes higher density ... inappropriate in an area" (s.771(j)), and protect historic heritage (s.771(a)).

6.2

HPW agrees with the s.32 report that the areas identified in the Spatial Plan had special character and required a special approach.

6.3

HPW agrees the use of precincts to manage the areas is appropriate and consistent with the NPSUD and National Planning Standards. HPW agrees with the s.42A report writer (para 51) that there is no need to turn the Precincts into an overlay, as Kainga Ora (submitter 391) submits it should be as that approach would not protect the values at issue.

6.4

HPW agrees with the evidence of Jamie Jacobs Heritage New Zealand Pouhere Taonga (HNZPT) that

"Character Precincts could be Heritage Precincts merely by recognising the people, historical events, and everyday life that occurred in that area." (Para 29).

7.0 Extra Sites (Section 42A report)

7.1

HPW agrees with the recommendation in the s.42A report for the inclusion in Character Precincts of the extra sites, (refer para 86), that are generally supported by the community, and to apply the MDRS zoning, consistent with the wider MRZ. HPW agrees with para 87 of the s.42A Report that the areas are best consolidated into logical boundaries encompassing the aggregation of quality character.

7.2

HPW agrees with the evidence of Jamie Jacobs HNZPT in para 13:

“13. In this instance, what was proposed in the PDP for existing Character Precincts has a deleterious effect on the character values by dramatically shrinking their extent and by also creating what might be termed dis-contiguous “character islands” out of what had for the most part been larger rectangles and squares. In my opinion, the purpose and value of a character precinct both recognises and protects a cohesive, attractive, and appealing urban landscape. Rather than achieving this, the Character Precincts as proposed reduced the precincts to mere segments of roads and partial city blocks whereby rows of buildings, mostly houses, face each other across a street.”

7.3

The sites recommended for inclusion in the Character Precincts have very special qualities and the recommended specific approach is required to address the outcomes sought for those areas.

8.0 Section 77L

8.1

HPW agrees with the evidence of Dean Raymond HNZPT that the requirements of s.77L of the Resource Management Act are met for the areas identified in both the ss.32 and 42A reports ((a) and (b) sites above). The s.32 report writer considered the characteristics of sites within the Character Areas identified in the operative District Plan, and recommended they be included in Character Precincts with appropriate rules and policies and a new proposed objective.

8.2

Furthermore, the s.42A report meets the requirements of s.77L:

(a) It identifies the Precincts as containing sites with a specific characteristic that makes greater development inappropriate.

(b) It justifies why the Precincts make greater development inappropriate by acknowledging that the characteristics require special consideration. The report clearly gave careful and extensive consideration.

(c) It includes a site-by- site specific analysis by virtue of the fact that it assesses each individual site. It considered ways to achieve the greatest height appropriate for each site

while maintaining the site's special characteristics (ie applying the greater height limit of the MDRS).

8.3

If the Panel is not of the view that this satisfies s.77L, that can be rectified. The Panel is obliged to undertake its own s. 32AA report when providing its recommendations to the Council (Resource Management Act, sch 1, cl 100(2)(e)). It would be appropriate for the Panel to address the matters raised in s.77L if required.

8.4

In line with the MDRS, the PDP proposes a maximum height of 11 m for Character Precincts. Historic Places Wellington endorses the contents of the ss.32 and 42A reports, and proposes MDRS for all Character Precinct areas (ie rezone any of the extra sites, otherwise proposed to be zoned HDRZ, as MDRS.

8.5

Historic Places Wellington supports the views of Wellington's Character Charitable Trust, Mt Victoria Historical Society, Thorndon Society, Thorndon Residents Association, Live Wellington, Claire Nolan & Others, Newtown Residents Association and others supporting the Council's s.42A recommendation.

9.0 Mt Victoria Townscape Precinct

9.1

Historic Places Wellington supports and endorses the recommended Mt Victoria Townscape Precinct. This is based on the value and public amenity of the character of the city scape, involving wooden houses perched on the hill in a highly visible and iconic site.

10 Capacity

10.1

HPW takes note of the Property Economics report that the difference in realisable capacity as between the PDP and the s.42A areas is 797 dwellings.

(Refer to Appendix 5 - Part 4 Property Economics Assessment of Extra Character Areas, Table 2: Comparison of Impact on Total Capacity of the PDP and s.42A Recommended Character Areas).

10.2

In recommending that the MDRS be applied to Character Precincts, there is a degree of capacity increase over the Operative Plan capacity in those areas. It is open to choose to adopt the qualifying matter of character to exempt those sites also from the MSRS. But that is not being proposed. Adopting the s.42A recommended areas is therefore not a significant foregone benefit in terms of intensification.

11.0 “Left out” Sites (refer attached powerpoint presentation)

11.1

HPW proposes that a discrete number of further sites be included in the Character Precincts. These sites have been “left out” of the extra sites identified in the s.42A report and have particular heritage value.

These further sites are:

1. **Thorndon:** Portland Cres/Hawkestone St; and Selwyn Tce
2. **(Upper) The Terrace:** Intersection with Salamanca Rd
3. **Mt Victoria:** East side of Lipman/Levy Sts; and Earls Tce/Stafford St
4. **Mt Cook:** Upper Rolleston/Hargreaves St
5. **Newtown:** Green/Emmett/East Wilson St; and West Normanby/Donald McLean St

Specific information about these sites is contained in the Appendix.

11.2

HPW requests that the applicable density rules for these sites be restricted to that provided for in the Character Precincts (ie MDRS, and not Policy 3(c)), and subject to the demolition control. HPW says the sites are subject to qualifying matters, specifically s.77I(j) and s.77I(a).

12.0 Evaluation

12.1

HPW says that important heritage would be lost if the demolition protection of the Character Precincts were not afforded to these areas and asks for them to be also included in the Character Precincts.

12.2

The sites are of high quality consistent streetscape which are highly visible from the city/local centre, and in each case are on a significant foot and cycle route to the town belt, an area of high recreation value for the general public.

12.3

Without this qualifying matter, the height limits for these sites (within the walkable catchments) would be 6 stories plus and without any demolition control. Buildings of that scale would undermine the protection of public amenity provided by the density limitations specified in the wider Character Precincts, and by the protection of public open space in the town belt. (See Appendix)

12.4

The impact on development capacity from applying the character precinct qualifying matter to these sites can be inferred from tables in the Property Economics Report noted above.

12.5

To relate this loss of capacity to the estimated total city-wide increase in capacity, that document estimated a total increase of 61,074 realisable dwellings (commercially adjusted to 50,382). The estimated total demand plus NPS buffer was 35,928 (Refer to Stream 1, Statement of Evidence of Philip Osborne on behalf of WCC, Table 1 Scenario 2 Residential Dwelling Capacity and Sufficiency (30 year)).

There is sufficient capacity “headroom” to accommodate these further sites.

13.0 Costs (s.77(3)(c))

13.1

HPW acknowledges that there is an economic cost associated with restricting density for these sites, but it is difficult to quantify. The likelihood of such redevelopment will be dependent on a number of factors including individual landowner decisions, property values, the quality of the existing dwellings and site area among a range of variables. Therefore, it does not mean that all of the affected sites would be developed up to the maximum heights otherwise permitted, nor can a specific timeframe be placed on when the redevelopment potential may be taken up. Furthermore, the density limitations from applying the character qualifying matter to these “left out sites” would be likely to result in increased development of new dwellings within other sites near the city centre.

14.0 Benefits

14.1

The specified sites attract people from all over the city, are highly visible and popular for visitors, including to nearby hotels (in the case of Portland Cres, Thorndon), and short stay accommodation (near Lipman/Levy Sts and Earls Tce/Stafford St, Mt Victoria). The (Upper) Terrace sites are highly visible for Te Herenga Waka/VUW foot and vehicle traffic. Visitors are attracted to town belt areas (in Rolleston St, Mt Cook), and to Festivals, music venues and food markets in Green, Emmett and Wilson St in Newtown. HPW agrees with the evidence of Michael Kelly about the importance of the oldest Newtown streets, particularly the ones identified above.

14.2

The density restrictions imposed by applying the character qualifying matter to these further sites would have a broader benefit, albeit difficult to quantify, to those who walk or cycle or who visit the locations. More people are positively affected, in this way and would outnumber the number of people who would be directly affected by any density limitations.

15.0 S.77L

15.1

The application of the qualifying matter for character precincts under s.77l(j) did not explicitly extend to these “left out sites”. Since they were not specifically addressed in the ss.32 and 42A reports, s.77L may not presently be complied with. The Panel is however able to rectify the inclusion of the “left out sites” when providing its report to the Council. It would be appropriate to do so here based on the following analysis in providing its s 32AA

assessment and necessary alterations to maintain the character and value of the areas. (Refer clauses 100(2)(e) and 100(3)(a) of Schedule 1, RMA 1991). To the extent that these sites represent important heritage values, and that a qualifying matter be accorded to them under s.771(a), it is not necessary to comply with s.77L which is only applicable to s.771(j) qualifying matters.

16.0 S.77L Evaluation

16.1

The specific characteristics that makes the level of development provided for by Policy 3 (in this case, removal of demolition protection and zoning for buildings of at least 6 stories within at least a walkable catchment of the edge of the city centre zone) inappropriate for these areas are:

- All sites in the Thorndon, (Upper) The Terrace and Mt Cook are identified as being of either primary or contributory status as identified by 2019 Boffa Miskell Report
- The Mt Victoria and Newtown sites were left blank in the 2019 Boffa Miskell Report because they were not specifically assessed.
- All sites are identified as being of either primary or contributory status as identified in the s.42a report.
- The sites are in the very oldest areas of their suburbs and as such have clear historic heritage values.
- In 2011, for example, Council considered a recommendation that Selwyn Tce and Portland Cres/Hawkestone St areas be made into heritage areas.
https://wellington.govt.nz/~media/your-council/meetings/committees/strategy-and-policy-committee/2011/06/23/files/23_june_2011_report_1_thorndon_report.pdf
- The outcome of considerable work was to confirm the Thorndon Character Area designations as the appropriate management approach
- Lipman and Levy St dwellings are a unique collection of big quality houses on the city fringe in the Mt Victoria, which is otherwise more typically composed of smaller cottages and villas further from the CBD.
- Upper Rolleston St and Hargreaves St contain intact streetscape of early workers cottages which display a very high degree of consistent character.
- The sites in the specified areas of Newtown are among its oldest residential developments. Almost all dwellings on Green St, West Normanby and East Donald McLean St appear on the 1892 Thomas Ward map.
- (Upper) The Terrace has a collection of superb architectural grand houses repurposed for intensive accommodation and city fringe living, while retaining original grand and authentic streetscape features.

- For all those sites the special character and high heritage and amenity value has been acknowledged by Council in the Operative District Plan with information in the design guides:

Thorndon:

- <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/volume02/files/v2residentialapp1.pdf?la=en&hash=280B3A81FDBF367EFF7DDC28C7E58DBA2F39BC6A>

Mount Victoria

- <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/volume02/files/v2residentialapp2.pdf?la=en&hash=73D4B4CA23C733E8DDCE201443AFF77A3082850C>

Aro Valley

- <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/volume02/files/v2residentialapp3.pdf?la=en&hash=039041EB6EBEC8993E4FE057A33EF996343D4599>

Southern Inner Residential

- <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/volume02/files/v2residentialapp4.pdf?la=en&hash=6C58CDA188784DA671E71A6342EB0EB0A1446E39>
- The affected sites are nearer to the city/local centre than other areas of Character Precinct and thereby have higher visibility and high public awareness and usage. This includes people who walk or cycle through these historic areas to access the town belt, areas of Character Precinct generally higher on the hills, or other suburbs further away.
- Important aspects of the town belt and of Wellington's townscape would otherwise be obscured or built out from public view with consequential loss of public amenity.
- the impact on public amenity is magnified by the age of the areas and their heritage values, (albeit that inclusion in Character Precincts would not manage them for that heritage). Nonetheless the streetscape character of the areas and their special value arises from those underlying heritage values.
- The significance of the areas, as well as the special character of its residential environment needs special consideration.

17.0 Section 77L (c)(iii) : Range of Options

17.1

Several possible options to achieve the greatest heights and densities permitted by policy 3 while managing the specific qualifying matter include:

- (1) Incorporate the sites into "Character Precincts" with all provisions applying.

(2) Incorporate the sites into “Character Precincts” but with higher height limits (eg 14m/4 stories)

(3) Apply the demolition rule on these sites (but either retain the 6 plus height limit or a reduced 4 storey height limit)

(4) Create historic heritage areas for these sites (stream 3 consideration).

The first option has the benefit of simplicity and does not introduce any new category of management.

HPW asks for these “left out” sites to be included in the Character Precincts.